

SUMMARY OF RESIDENTIAL RE-DESIGNATION PROPOSAL

The March 2012 Envision Eugene Recommendation identified a deficit of land in Eugene's current UGB for Low Density Residential (LDR) dwellings over the next 20 years. The City can accommodate more low density housing inside the UGB by adopting land use efficiency measures that accommodate more housing. One of the main efficiency measures for housing is re-designation, or changing the planned future use of land from one category to another. Re-designation/rezoning of the following sites is part of a package of Envision Eugene strategies to reduce UGB expansion for low density residential uses. The package of residential re-designation sites accommodates the following:

- approximately 733 low density residential homes (typically single-family housing)
- approximately 10 commercial acres

In addition to the proposed Metro Plan land use designation changes, some of the proposed re-designations also necessitate corresponding changes to the applicable refinement plan diagram and text, refinement plan text in the Eugene land use code, and/or zoning as shown in the following table and in Attachment A.

Location and size in acres (approx. acres)	Current		Change in acres	Proposed	
	Metro Plan & refinement Plan	Zoning		Metro Plan & refinement Plan	Zoning
Crow Rd Study Area** 1 2 52 tax lots south of West 11 th Ave., west of Lane Memorial cemetery, east of Greenhill Rd, north of the UGB 277 ac study area	MDR	R-1	174.1 ac	LDR	R-1 (no change)
			92.8 ac	MDR (no change)	R-2
			10.3 ac	COM	R-1 (no change)
Gilham Rd** 1703083208600 9.6 ac	MDR	R-2 (8.6 ac)	9.6 ac	LDR	R-1
C-1 (1.5 ac)					
Irving Rd./Eagles*1 1704104203500 (about 7 ac for church, 8 ac for new housing, 2 ac for new park) 16.9 ac	POS	R-1	16.9 ac	LDR	R-1 (no change)
Willamette St/ Rest-Haven 1803180000300 1803074302100 (about 29.5 ac for cemetery, 45 ac for new housing) 74.5 ac	POS	R-1 (47 ac)	74.5 ac	LDR	R-1
		PL (28 ac)			

*Includes an automatic refinement plan land use diagram amendment

** Includes corresponding refinement plan land use diagram, subarea land use diagram and text amendments

¹ Includes Metro Plan amendments requiring Lane County approval for property that is located inside the UGB but outside city limits.

² Includes corresponding amendments to the refinement plan policies that are in the Chapter 9 Land Use code.

Allowed housing density by Metro Plan land use designation and by zone:

Metro Plan Designation	Allowed density
Low Density Residential (LDR)	up to 10 units
Medium Density Residential (MDR)	over 10-20 units
Commercial (COM)	no minimum or maximum
Parks & Open Space (POS)	no minimum or maximum

Zoning	Allowed density
R-1 Low Density Residential	up to 14 units
R-2 Medium Density Residential	10-28 units
C-1 Neighborhood Commercial	no minimum or maximum
C-2 Community Commercial	no minimum or maximum
PL Public Land	no minimum or maximum

The following summarize the proposed Residential Re-designation package of amendments and the land use efficiencies that would be achieved if approved:

Medium Density Residential (MDR) to Low Density Residential (LDR)

The March 2012 draft estimates and the newly updated estimates identify a surplus of Medium Density Residential (MDR) land for the next 20 years. This surplus is one reason the city proposes to re-designate some MDR land to LDR. Re-designation of MDR sites that may be more suitable for LDR helps to encourage the higher density housing types to redevelop downtown, along key transit corridors and in core commercial areas, and promotes compact development.

This includes two areas that are currently designated Medium Density Residential but that are better suited for Low Density Residential given their development constraints or their distance to commercial services (grocery, retail, restaurants) and transit.

1. Crow Road Study Area

- Re-designates much of the study area to Low Density Residential and adds a Commercial designation adjacent to existing commercial uses and planned Medium Density Residential.
- Rezones any area remaining as Medium Density Residential designation to a corresponding R-2 zone.
- Re-designates approximately 10 acres of Medium Density Residential to Commercial, which helps provide for daily needs near planned housing and helps address deficits projected for commercial land. The areas proposed for re-designation to Commercial will retain their R-1 zone at this time, so that their single-family and agricultural related uses can continue without having to comply with commercial zoning standards.
- Amends the Willow Creek Special Area Study (WCSAS) text and land use diagram, as well

as the WCSAS policies adopted in the Chapter 9 Land Use Code.

- Capacity of proposal based on city-wide density averages¹:
 - Adds 561 LDR dwellings
 - Loses 1,730 MDR dwellings (capacity for 806 MDR dwellings remains)
 - Adds 10 acres of Commercial

2. Gilham Road

- Re-designates the entire site to Low Density Residential with a corresponding rezone to R-1.
- Amends the Willakenzie Area Plan text, the land use diagram and the Unincorporated Subarea diagram.
- Capacity of proposal based on city-wide density averages:
 - Adds 38 LDR dwellings
 - Loses 103 MDR dwellings

Parks & Open Space (POS) to Low Density Residential (LDR)

This includes two sites. In recent years, some private property owners that own Parks & Open Space designated land have indicated that they don't need all of their land for POS type uses (e.g. cemeteries, golf courses). In the city's land supply analysis, no future housing capacity is assigned to POS land because (with some exceptions) housing is not permitted on POS land. Since the March 2012 Envision Eugene draft recommendation was released, staff has studied larger privately owned POS sites and found two additional sites where the property owner has indicated they would like to use a portion of their site for housing. A designation of LDR would enable different types of low density housing allowed by the city's R-1 zone to occur there in the future and would also allow the city to count that portion of the land towards the city's residential land supply, reducing the need for UGB expansion.

1. Irving Road/Eagles (former Eagles Lodge)

- Re-designates the entire site to Low Density Residential (consistent with the existing zone of R-1).
- City Parks and Open Space Division staff is in discussions with the property owner to purchase approximately 2 acres for park land, and parks are permitted in the Low Density Residential plan designation. The property owner anticipates retaining approximately 7 acres for use as a church. Therefore, 8 acres is assumed to accommodate housing in the future.
- Automatically amends the River Road-Santa Clara Facilities Plan land use diagram and Northwest Expressway subarea diagram.
- Capacity of proposal based on city-wide density averages:

¹ For the purposes of UGB planning, the capacity or amount of homes that a property is assumed to hold potential for is based on the average density of development from 2001-2012, city-wide. This estimate is not intended to project how many homes may be built on the property or the allowed minimum/maximum number of homes under the property's zoning.

- Adds 32 LDR dwellings
- No capacity lost because capacity is not allocated to POS land

2. Willamette Street/Rest-Haven

- Re-designates the entire site to Low Density Residential and rezones to R-1 the portion of the site that is zoned PL Public Land.
- Of the 74.5 acres, the property owner has indicated that about 29 acres of the site is needed for existing or future cemetery uses. The owner has a conditional use permit for the cemetery. Therefore, about 45 acres is assumed to accommodate housing in the future.
- Capacity of proposal based on city-wide density averages:
 - Adds 102 LDR dwellings
 - No capacity lost because capacity is not allocated to POS land

Attachment A: City-wide map of Residential Re-designation proposal

ORDINANCE NO. _____

AN ORDINANCE CONCERNING ENVISION EUGENE RESIDENTIAL REDESIGNATION TO REDESIGNATE AND REZONE ANNEXED RESIDENTIAL PROPERTIES BY AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN LAND USE DIAGRAM; AMENDING THE EUGENE ZONING MAP; AMENDING THE WILLOW CREEK SPECIAL AREA STUDY DIAGRAM AND TEXT; AMENDING THE WILLAKENZIE AREA PLAN DIAGRAM AND TEXT PURSUANT TO SECTION 9.7750(4) OF THE EUGENE CODE, 1971; AMENDING SECTION 9.9710 OF THE EUGENE CODE, 1971; AND ADOPTING A SEVERABILITY CLAUSE.

The City Council of the City of Eugene finds that:

A. The amendments contained in this ordinance are intended to implement recommendations contained in *Envision Eugene, A Community Vision for 2032*, including the establishment of a Eugene-specific urban growth boundary. Specifically, these amendments are intended to accommodate more of the city's 20-year housing needs inside the current urban growth boundary. The amendments include changes to the Metro Plan Land Use Diagram and corresponding changes to the Willow Creek Special Area Study Land Use Diagram and Text, the Willakenzie Area Plan Land Use Diagram and Text, the Eugene Zoning Map and the Willow Creek Special Area Study text in section 9.9710 of the Eugene Code, 1971. The areas affected include the Crow Road Study Area and the Gilham Road site as identified in Exhibit A.

B. The amendments contained in this Ordinance are based on the recommendation of the Eugene Planning Commission. The City of Eugene Planning Commission and Lane County Planning Commission held a joint public hearing on the amendments contained in this Ordinance on November 19, 2013, and the Eugene Planning Commission forwarded its recommendations to the Eugene City Council for amendments to the Metropolitan Area General Land Use Diagram as shown on Exhibits A, B and C. On June 3, 2014, the Eugene City Council and the Lane County Board of Commissioners held a joint public hearing to consider the amendments and the governing bodies deliberated separately on July 9, 2014 and July 8, 2014, respectively.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Metro Plan Diagram is hereby amended to change the land use designations for certain properties as indicated on Exhibit A attached to this Ordinance, and depicted on the maps attached as Exhibits B, and C to this Ordinance. Specifically, the Metro Plan Diagram for the identified Crow Road Study Area properties is amended from a designation of Medium Density Residential to a designation of Low Density

Residential, Commercial, or a combination of Low Density Residential, Commercial or Medium Density Residential. The Metro Plan Diagram for the Gilham Road property (identified as Tax Lot 8600 of Assessor's Map 17-03-08-32) is amended from a designation of Medium Density Residential to Low Density Residential.

Section 2. The Eugene Zoning Map is hereby amended to change the zone for certain properties as indicated on Exhibit A attached to this Ordinance, and depicted on the maps attached as Exhibits B and C to this Ordinance. Specifically, the Eugene Zoning Map for the identified Crow Road Study Area properties is amended from a zone of R-1 Low Density Residential to a zone of either R-2 Medium Density Residential, or a combination of R-1 Low Density Residential or R-2 Medium Density Residential. The Eugene Zoning Map for the Gilham Road property is amended from a zone of R-2 Medium Density Residential and C-1 Neighborhood Commercial to R-1 Low Density Residential.

Section 3. Consistent with the provisions of Section 9.7750(4) of the Eugene Code, the Willow Creek Special Area Study text is amended as shown on Exhibit D attached to this Ordinance. Also consistent with the provisions of Section 9.7750(4), Land Use Diagram Map E (Page 29) of the Willow Creek Special Area Study is amended as shown on Exhibit B attached to this Ordinance.

Section 4. Consistent with the provisions of Section 9.7750(4) of the Eugene Code, the Willakenzie Area Plan text is amended as shown on Exhibit E attached to this Ordinance. Also consistent with the provisions of Section 9.7750(4), the Willakenzie Area Plan Land Use Diagram, located between pages 19 and 20 of the Willakenzie Area Plan, and the Willakenzie Area Plan Unincorporated Subarea diagram (Page 53) of the Willakenzie Area Plan, are amended as shown on Exhibit C attached to this Ordinance.

Section 5. Section 9.9710 of the Eugene Code, 1971, is amended to provide as follows:

9.9710 Willow Creek Special Area Study Policies.

(1) Land Use.

- (a) Map E reflects land-use arrangements for the Willow Creek Basin and shall become one basis for future implementation through zoning or other applicable land use measures. ***The plan diagram locations for the approximately 92.8 acres of medium density residential and 10.2 acres of commercial in the Crow Road Study Area are based on the discussions at this time. The city recognizes that in the future there may be justification for minor adjustments to the designation and zone boundaries on those properties with more than one designation. The city shall allow for consideration of minor adjustments to the plan designation and zone boundary provided the acreage of each designation and zoning district remains within 10%, and the change is consistent with the purpose of the regulations***

- adopted in the future for this area.*** (Policy 3)
- (b) The City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least three cases:
1. Properties with elevation and slope, soil and geologic conditions which fit criteria identified in Eugene's South Hills Study for applying PUD procedures; ***and***
 2. Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project[; ~~and~~
 3. ~~Properties along natural stream courses will be developed under either PUD or site review procedures depending on the scale and complexity of the project].~~ (Policy 4)
- (2) **Transportation.**
- (a) Through appropriate mechanisms, proposed developments shall be encouraged to respond to an overall transit, bicycle, and pedestrian system for the Willow Creek Basin. (Policy 2)
 - (b) Bicycle facilities will be designed to connect with other major routes outside the Willow Creek Basin, in order to provide residents and employees with this transportation option for daily and recreational travel needs. (Policy 3)
 - (c) Major employment and commercial center proposals shall plan for convenient, covered on-site bicycle parking as an integral part of a parking program. (Policy 4)
 - (d) Through appropriate mechanisms, proposed developments shall be encouraged to provide adequate transit access. (Policy 5)
 - (e) The City of Eugene shall work with major employers to establish and implement ongoing paratransit programs. (Policy 6)
 - (f) Development proposals within the urban growth boundary shall be reviewed to ensure adequate access to the adjacent properties within the urban reserve area. (Policy 7)
 - (g) A carefully planned collector street system providing access from residential, commercial, and industrial areas to arterial streets shall be developed for the Willow Creek Basin. (Policy 8)
 - (h) ***In the Crow Road Study Area, safety and circulation improvements at the intersection of Crow Road and W. 11th Avenue will be needed as the area develops. Transportation system level issues will be addressed by the transportation system plan according to the type of development anticipated by the comprehensive plan. Development-specific impacts will be addressed by individual developers in accordance with the city's traffic impact analysis requirements. (Policy 9)***
 - (i) ***In the Crow Road Study Area, north-south and east-west collector streets will be needed to serve the area, such as extension of Pitchford Avenue and Ed Cone Blvd. (Policy 10)***
- (3) **Off-Site Public Facilities.** Analysis shall be conducted and appropriate measures taken to deal with urban level storm run-off from the Willow Creek Basin. (Policy 3)
- (4) **Environmental.** Acquisition, transfer of development rights, public easements and dedication to the public are mechanisms which shall be used

to protect a continuous corridor along the entire length of the Basin ridgeline, including properties above the 800-foot elevation contour. The same mechanisms shall be employed to pursue protection of an interconnecting environmental/recreational/storm drainage system throughout the Basin.
(Policy 2)

Section 6. The findings set forth in Exhibit F attached hereto are adopted as findings in support of this Ordinance.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Passed by the City Council this

____ day of _____, 2014

Approved by the Mayor this

____ day of _____, 2014

City Recorder

Mayor

Exhibit A

Area	Map	Lot	Total Lot Acres	CURRENT			PROPOSED				Annexed
				Metro Plan Designation	Refinement Plan Designation	Zoning (overlay zones not shown) ¹	Approximate Tax Lot Acres for split designations or split zones ²	Metro Plan Designation	Refinement Plan Designation	Zoning (overlay zones not shown) ¹	
Gilham Road	17030832	8600	9.61	MDR	MDR and COM	R-2		LDR	LDR	R-1	yes
Crow Road Study Area	17043200	900	4.43	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	1000	1.20	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	1100	2.41	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	1200	9.12	MDR	MDR	R-1	1.2	MDR	MDR	R-1	No
							7.9	COM	COM	R-2	No
Crow Road Study Area	17043200	1501	76.29	MDR	MDR	R-1	25.5	LDR	LDR	R-1	yes
							51.3	MDR	MDR	R-2	yes
Crow Road Study Area	17043200	1502	3.10	MDR	MDR	R-1		MDR	MDR	R-2	No
Crow Road Study Area	17043200	1600	39.84	MDR	MDR	R-1	32.9	LDR	LDR	R-1	No
							6.9	MDR	MDR	R-2	No
Crow Road Study Area	17043200	1700	0.43	MDR	MDR	R-1		MDR	MDR	R-2	No
Crow Road Study Area	17043200	1800	0.82	MDR	MDR	R-1		MDR	MDR	R-2	No
Crow Road Study Area	17043200	1900	0.82	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2000	0.82	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2100	0.82	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2200	0.83	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2300	0.37	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2400	0.41	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2500	0.85	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2600	0.45	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2700	0.35	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2800	0.47	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2900	3.75	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3000	2.00	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3100	1.20	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3200	2.80	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3300	2.06	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3400	0.34	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3500	0.27	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3600	0.48	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3700	2.79	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3800	0.23	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3900	0.31	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4000	0.66	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4100	0.63	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4200	0.44	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4300	0.44	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4400	0.88	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4500	0.88	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4600	0.44	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4700	0.44	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4800	7.83	MDR	MDR	R-1	6.2	LDR	LDR	R-1	No
							1.7	COM	COM	R-1	No
Crow Road Study Area	17043200	4900	12.58	MDR	MDR	R-1	9.4	LDR	LDR	R-1	No
							2.4	MDR	MDR	R-2	No
							0.7	COM	COM	R-1	No
Crow Road Study Area	17043200	5000	38.12	MDR	MDR	R-1	27.5	LDR	LDR	R-1	No
							10.6	MDR	MDR	R-2	No
Crow Road Study Area	17043200	5100	16.47	MDR	MDR	R-1		MDR	MDR	R-2	No
Crow Road Study Area	17043200	5200	5.03	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5300	2.16	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5400	5.63	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5500	4.45	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5600	4.47	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5700	5.01	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5800	5.29	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5900	5.29	MDR	MDR	R-1		LDR	LDR	R-1	No

Area	Map	Lot	Total Lot Acres	Metro Plan Designation	Refinement Plan Designation	Zoning (overlay zones not shown) ¹	Approximate Tax Lot Acres for split designations or split zones ²	Metro Plan Designation	Refinement Plan Designation	Zoning (overlay zones not shown) ¹	Annexed
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Plan Designations

Plan Designations		Zoning	
LDR	Low Density Residential	R-1	Low Density Residential
MDR	Medium Density Residential	R-2	Medium Density Residential
COM	Commercial	C-1	Neighborhood Commercial
GOV & ED	Government & Education	PL	Public Land

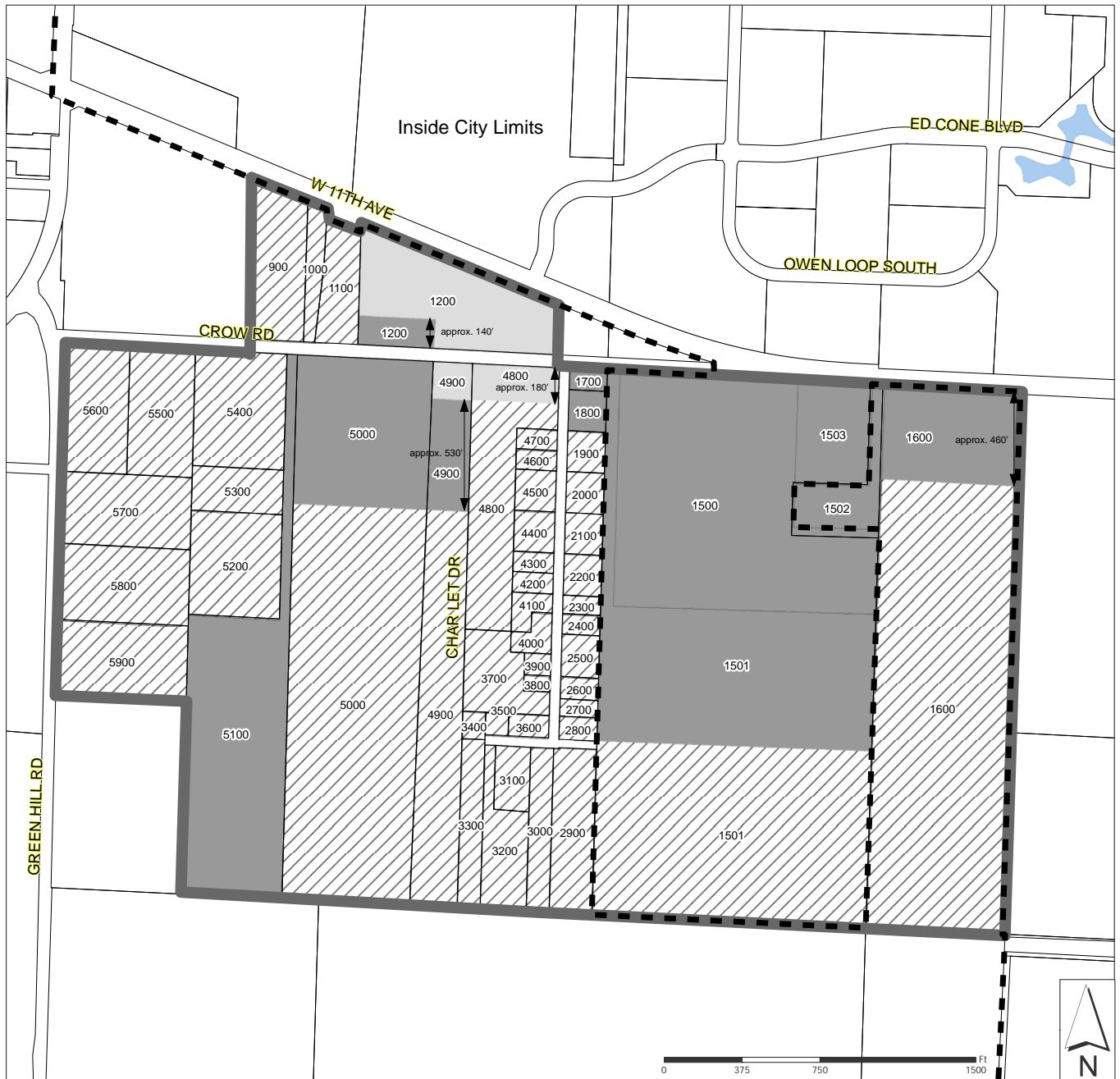
¹Overlay Zones

Some lots also have one or more overlay zones which are not shown in this table.
All existing overlay zones remain in effect.

² For split designations or zones, the adoption map rules over the approximate acreage cited here

Exhibit B

Crow Road Study Area Envision Eugene: Residential Re-designation
(File No. MA 13-2, RA 13-1, Z 13-7, CA 13-5)



Proposed Metro Plan and Willow Creek Special Area Plan Designation / Zoning

Note: in some areas the plan designation or zoning is not changing

- Commercial / R-1 Low Density Residential - **no change to R-1 zoning**
- Medium Density Residential / R-2 Medium Density Residential - **no change to MDR designation**
- /// Low Density Residential / R-1 Low Density Residential - **no change to R-1 zoning**

- City Limits
- Study Area

0000 Tax Lot number of Assessor's Map 17-04-32-00

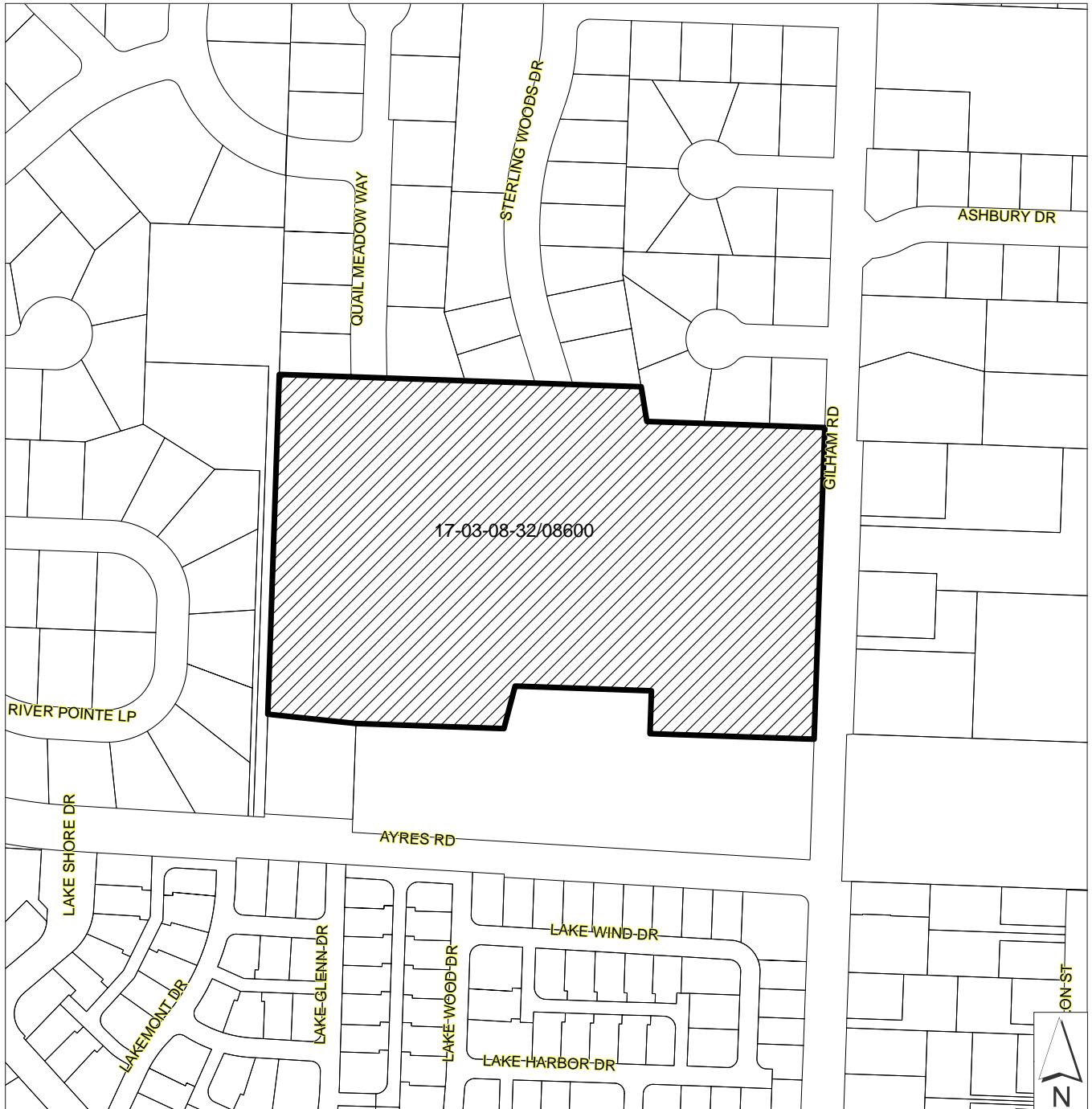
Current Metro Plan designation is Medium Density Residential / current zoning is R-1 Low Density Residential
 Note: Overlay zones are not shown and remain unchanged.



May 2014

Exhibit C

Gilham Road Site Envision Eugene: Residential Re-designation (File No. MA 13-2, RA 13-1, Z 13-7, CA 13-5)



Proposed Metro Plan and Willakenzie Area Plan Designation / Zoning



Low Density Residential / R-1 Low Density Residential

Current plan designation is Medium Density Residential / current zoning is R-2 Medium Density Residential and C-1 Neighborhood Commercial

Note: Overlay zones are not shown and remain unchanged.



Study Area



Exhibit D

Willow Creek Special Area Study text amendments

(for the Envision Eugene Crow Road Study Area re-designation/rezone)

Existing text to amend:

Red italic text = Proposed Policies

~~Strike through text~~ = Text to be removed.

(page 6, after note 11 of the Summary and Policies section)

II. SUMMARY AND POLICIES

Envision Eugene Update

In 2008, the city began the process to establish a new Eugene-only UGB and accommodate the next 20 years for growth in our community. As part of that effort, the city identified several opportunities to re-designate land to accommodate more of the city's 20 year need inside the current UGB, which were published in the recommendation Envision Eugene, A Community Vision for 2032 (March 14, 2012). Re-designating land such as portions of the 277 acre Crow Road Study Area, that are more suitable for low density residential or Commercial rather than medium density residential allows the city to accommodate more low density residential inside the current UGB, while promoting higher density housing to redevelop in downtown and core commercial areas, and along key transit corridors, creating a more compact urban development pattern.

During 2011-2013, the city worked with property owners and residents of the Crow Road Study Area to identify an updated vision for the study area and to help with the city's 20 year land need. The city held public meetings and sent surveys and letters to gather feedback on a draft land use concept plan and potential future development standards for the area. The main themes identified were to recognize the area's rural character and promote a less urban, more country feel as the area develops in the future while also ensuring the area is adequately serviced. Standards to address these issues in the future include such topics as tree preservation, building and lot standards, home businesses, and street design, connectivity and safety.

(page 7)

A. Land Use

3. Map E reflects land-use arrangements for the Willow Creek Basin and shall become one basis for future implementation through zoning or other applicable land use measures.

The approved land use map reflects a variety of policies within this special study and other approved policy documents such as the Community Goals and Policies and the Metro Plan.

The plan diagram locations for the approximately 92.8 acres of medium density residential and 10.3 acres of commercial in the Crow Road Study Area are based on the discussions at this time. The city recognizes that in the future there may be justification for minor adjustments to the designation and zone boundaries on those properties with more than one designation. The city shall allow for consideration of minor adjustments to the plan designation and zone boundary

provided the acreage of each designation and zoning district remains within 10%, and the change is consistent with the purpose of the regulations adopted in the future for this area.

4. City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least ~~three~~ two cases:

- a. Properties with elevation and slope and geologic conditions which fit criteria identified South Hills Study for applying PUD procedures;
- b. Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project; and
- c. ~~Properties along natural stream courses will be developed under either PUD or site review procedures depending on the scale and complexity of the project.~~

The city may remove these requirements for the Crow Road Study Area upon completion of code amendments that are completed in coordination with the neighborhood.

(page 8)

5. The city shall explore the value of the following code amendments and develop them if determined appropriate through a collaborative effort with study area property owners and residents. The code amendments to consider could include:

- a. *Allow clustered housing outright (no PUD or Cluster Subdivision application required), combined with providing a larger lot to preserve views/open space, tree preservation, or agricultural/livestock use.*
- b. *Allow large single-family lots, such as for those lots that are located south of the Pitchford Avenue extension or that include an identified tree preservation area.*
- c. *Provide tree preservation requirements that:*
 - *have higher standards for preserving significant oak trees or areas,*
 - *make it easier to remove other trees, and*
 - *make it easier to remove trees along the UGB if trees outside the UGB are removed*
- d. *Facilitate home businesses related to agriculture and livestock such as stabling and sales of farmed products, encourage small businesses to serve a neighborhood, and consider compatibility requirements for these uses.*
- e. *Provide residential and commercial building design requirements or guidelines that promote a less urban, country feel.*

- f. *Provide street design standards that create a less urban, more country feel to the street network and increase safety and circulation for all modes of travel.*

(page 10)

B. Transportation

9. In the Crow Road Study Area, safety and circulation improvements at the intersection of Crow Road and W. 11th Avenue will be needed as the area develops. Transportation system level issues will be addressed by the transportation system plan according to the type of development anticipated by the comprehensive plan. Development-specific impacts will be addressed by individual developers in accordance with the city's traffic impact analysis requirements.

10. In the Crow Road Study Area, north-south and east-west collector streets will be needed to serve the area, such as extension of Pitchford Avenue and Ed Cone Blvd.

Exhibit E

Willakenzie Area Refinement Plan text amendments

(for the Envision Eugene Gilham Road Site re-designation/rezone)

Existing policies to amend:

Red italic text = Proposed Policies

~~Strike through text~~ = Text to be removed.

(page 56, add below last paragraph)

10. Unincorporated Subarea

Envision Eugene Update

In 2008, the city began the process to establish a new Eugene-only UGB and accommodate the next 20 years for growth in our community. As part of that effort, the city identified several opportunities to re-designate land to accommodate more of the city's 20 year need inside the current UGB, which were published in the recommendation Envision Eugene, A Community Vision for 2032 (March 14, 2012). Re-designating land such as the 9.6 acre property on Gilham Road (identified as map/tax lot 17-03-08-32-08600) that is more suitable for low density residential than for medium density residential allows the city to accommodate more low density residential inside the current UGB, while promoting higher density housing to redevelop in downtown and core commercial areas, and along key transit corridors, creating a more compact urban development pattern.

(pages 59-60)

Unincorporated Subarea Policies and Proposed Actions

15. The City shall recognize the area at the northwest corner of Ayres and Gilham roads and the area at the southwest corner of Coburg Road and County Farm Loop, as depicted on the Willakenzie Land Use Diagram, as appropriate for medium-density residential development *and shall recognize the property identified as map/tax lot 17-03-08-32-08600 as appropriate for low-density residential development.*
- 15.1 Amend the Metro Plan diagram from low-density to medium-density residential designation for the above-referenced area *at the northwest corner of Ayres and Gilham roads and the area at the southwest corner of Coburg Road and County Farm Loop*, as depicted on the Willakenzie Land Use Diagram, *and from medium-density to low-density for the property identified as map/ tax lot 17-03-08-32-08600.*
17. The Neighborhood Commercial C-1 node, as depicted on the Willakenzie Land Use Diagram, shall front on Ayres Road and shall be separated from Gilham Road by medium-density residential development.

Exhibit F
Findings for City File MA 13-2, RA 13-1, ZC 13-7, CA 13-5
Envision Eugene: Residential Re-designations, Zone Changes for Housing

Overview

The goal of these *Metro Plan* land use diagram amendments, and corresponding changes to refinement plan diagram and text, refinement plan land use code, and zone changes, is to implement several Envision Eugene strategies under the housing affordability and compact development pillars in the March 2012 Envision Eugene Recommendation. These amendments are necessary as part of the city's strategy to accommodate more of the city's 20 year need for single-family housing (low density residential) inside the current urban growth boundary (UGB) and all of the city's 20 year need for multi-family housing (medium and high density residential) and commercial inside the current UGB. Specifically, these plan amendments and zone changes are part of a package of land use efficiency strategies the city is relying on to accommodate the following inside the UGB:

- approximately 631 additional low density residential homes (typically single-family)
- approximately 10 additional acres of commercial land

This package of re-designations and corresponding amendments and zone changes includes the following (see table below):

Location and approximate size in acres	(ac)	Current Metro Plan & refinement Plan		Change in acres	Proposed Metro Plan & refinement Plan	
		Zoning	Zoning		Zoning	Zoning
Crow Rd Study Area * ¹ 52 tax lots south of West 11 th Ave., west of Lane Memorial cemetery, east of Greenhill Rd, north of the UGB	277 ac study area			174.1 ac	LDR	R-1 (no change)
		MDR	R-1	92.8 ac	MDR (no change)	R-2
				10.3 ac	COM	R-1 (no change)
Gilham Rd ² 1703083208600	9.6 ac	MDR	R-2 (8.6 ac) C-1 (1.5 ac)	9.6 ac	LDR	R-1
Irving Rd./Eagles * ³ 1704104203500 (about 7 ac for church, 8 ac for new housing, 2 ac for new park)	16.9 ac	POS	R-1	16.9 ac	LDR	R-1 (no change)

* The plan amendments for these sites which are located outside the city limits but inside the urban growth boundary require Lane County adoption; the plan amendments on property within the city limits do not.

¹ Includes corresponding amendments to Willow Creek Special Area Study text, land use diagram, and refinement plan policies that are in Chapter 9 of the Eugene Code. This is updated to reflect the Planning Commission's December 2013 recommendation of the proposal as modified by public testimony for one property owner.

² Includes corresponding amendments to the Willakenzie Area Plan text, land use diagram and Unincorporated Subarea diagram

³ Includes a corresponding automatic amendment to the River Road-Santa Clara Urban Facilities Plan land use diagram and Northwest Expressway Subarea diagram and a vehicle trip cap

Allowed housing density by Metro Plan land use designation and by zone:

Metro Plan Designation	Allowed gross density	Zoning	Allowed net density
Low Density Residential (LDR)	up to 10 units	R-1 Low Density Residential	up to 14 units
Medium Density Residential (MDR)	over 10-20 units	R-2 Medium Density Residential	10-28 units
Commercial (COM)	no minimum or maximum	C-1 Neighborhood Commercial	no minimum or maximum
		C-2 Community Commercial	no minimum or maximum
Parks & Open Space (POS)	no minimum or maximum	PL Public Land	no minimum or maximum

Metro Plan Amendments (file no. MA 13-2)

The Metro Plan land use diagram is proposed for amendment. Eugene Code Section 9.7730 requires that the following approval criteria (in ***bold italics***) be applied to Metro Plan amendments:

(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 complies with Goal 1 because it is consistent with the citizen involvement provisions.

The strategy to amend the comprehensive plan and re-designate sites to a different future land use type emerged from the Envision Eugene process, the city's plan to establish a new Eugene-only urban growth boundary and accommodate the next 20 years of growth in our community. These amendments are necessary as part of the strategy to accommodate more of the city's 20-year need for low density residential housing (typically single-family) and all of the need for medium density residential housing (typically multi-family) and commercial inside the current UGB. Re-designation of these sites is part of a package of Envision Eugene strategies to reduce UGB expansion for low density residential and promote denser housing types downtown, along key transit corridors and core commercial areas. The Envision Eugene strategies developed out of an extensive public involvement process including two years of meetings with a 70-plus person community resource group, questionnaires, open houses, and community forums. In addition, more recently staff has sent letters or held meetings with property owners and residents adjacent to many of the proposed re-designation sites to inform residents and get feedback on the proposals.

Other engagement and information opportunities included discussion of the project in the December 2012 and the May 2013 editions of the Envision Eugene e-newsletter, periodic updates at Planning Commission work sessions, and the establishment of a "Residential Re-designation" project web page.

The joint Eugene and Lane County 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. Following action by the Eugene and Lane County Planning Commissions, the Eugene City Council and the Board of Commissioners will hold a duly noticed public hearing to consider approval, modification, or denial of the plan amendments and zone changes. Lane County Planning Commission and Board of Commissioners will be participating in the proposed Metro Plan re-designations that are outside the city limits but inside the urban growth boundary (e.g. portions of the Crow Road Study Area and the Irving Rd/Eagles site). 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 plan 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:

- (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, landslides, 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. Goal 8 also allows, but does not require, the City to create an inventory of recreational needs. To the extent that Goal 8 is applicable, the City has two documents related to long-range parks planning: the Parks, Recreational and Open Space Comprehensive Plan (PROS) and its list of implementing projects in the PROS Project and Priority Plan. The PROS Project and Priority Plan is adopted and therefore provides some direction to the City regarding recreational needs. One of the sites proposed for re-designation is currently designated Parks and Open Space. The City has consulted these documents regarding these sites and determined the following:

Irving Rd/Eagles:

This approximately 17 acre site is privately owned by the Westside Baptist Church. The owners have indicated that about 7 acres is needed for the existing and future church-related uses and they would like to make the remaining acreage available for housing. The PROS Project and Priority Plan identifies the need for a neighborhood park in this vicinity. City Parks and Open Space Division staff is coordinating with the property owner on purchasing approximately 2 acres of the site for a neighborhood park. Regardless, City parks are allowed in LDR/R-1 therefore re-designation of the entire site to LDR would not preclude a future park nor affect the City's provisions for or access to recreational areas, facilities or recreational opportunities.

To the extent Statewide Planning Goal 8 applies, the amendments are consistent.

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.*

Goal 9 requires cities to evaluate the supply and demand of commercial and industrial land relative to community economic objectives. The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the City "[p]rovide 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[.]" Among other things, the rule requires that cities complete an "Economic Opportunities Analysis." OAR 660-009-0015. Based on the Economic Opportunities Analysis, cities are to prepare

Industrial and Commercial Development Policies. OAR 660-009-0020. Finally OAR 660-009-0025 requires that cities designate industrial and commercial lands sufficient to meet short and long term needs. OAR 660-009-0010(2) provides that the detailed planning requirements imposed by OAR 660 Division 9 apply “at the time of each periodic review of the plan (ORS 197.712(3)).” 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 the corresponding Administrative Rule.

In addition, OAR 660-009-0010(4) provides that, when a city changes its plan designations of lands in excess of two acres from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, pursuant to a post acknowledgment plan amendment, it must address all applicable planning requirements and (a) demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of OAR 660 Division 9; or (b) amend its comprehensive plan to explain the proposed amendment pursuant to OAR 660 Division 9; or (c) adopt a combination of (a) and (b) consistent with the requirements of Division 9.

Although none of the re-designations sites include land that is currently designated employment, 10 acres in the Crow Rd Study Area is proposed to be re-designated to an employment designation (commercial). Therefore OAR 660-009-0010(4) is applicable to the proposed Crow Rd Study Area commercial designation and is addressed as follows:

Crow Rd Study Area:

This site includes re-designation of approximately 10 acres of land designated medium density residential to commercial. The 1992 study indicates there is a surplus of commercial land; however the 1992 study also includes the following applicable policies:

- 8.0 *Recognize the differing needs of residential areas in the various parts of the community, and determine the need to create additional commercial sites in light of opportunities for redevelopment.*
- 11.0 *Promote neighborhood-oriented commercial facilities and community commercial areas rather than additional major retail centers.*

West Eugene Subarea

- 19.0 *Consider additional commercial land in the West Eugene Subarea to accommodate both neighborhood commercial needs and those of the larger community. In siting additional commercial land, evaluate impacts on traffic patterns and surrounding land uses.*

Although these policies are not mandatory in nature, the proposed commercial re-designation is consistent with these policies as it adds commercial land to an area planned for housing but which lacks significant commercial services. Also, as discussed in the findings addressing Goal 12, which are incorporated herein by reference, the traffic analysis for the package of re-designations in the Crow Road Study Area results in fewer vehicle trips than the current designation, therefore the re-designation is consistent with Goal 12. Finally, since the 1992

study found a surplus of commercial land and this re-designation is increasing rather than decreasing the commercial land supply as found in 1992, this amendment is consistent with Goal 9.

Therefore, the amendments are consistent with Statewide Planning Goal 9.

Additionally, as part of Envision Eugene, the city's plan to establish a new Eugene-only UGB and accommodate the next 20 years of growth in our community, these amendments are necessary as part of the strategy to accommodate more of city's 20 year need inside the UGB, including all of the commercial need. The city's March 2012 Envision Eugene Recommendation draft estimates identified a deficit of commercial jobs that cannot be accommodated in Eugene's current UGB over the next 20 years without the city adopting measures to accommodate more jobs¹. The city intends to account for the expected increase in jobs as part of the Envision Eugene adoption. Re-designating a portion of the Crow Rd Study Area to commercial is part of the larger Envision Eugene re-designation plan for the Crow Rd Study Area and helps provide for daily needs near planned housing. Other land use efficiency measures to increase the capacity for jobs inside the current UGB such as re-designating/rezoning certain areas for more jobs, are also anticipated to be adopted as part of Envision Eugene.

Goal 10 - Housing.

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The Administrative Rule for Statewide Planning Goal 10 (OAR 660 Division 8) states that "the mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation." The comprehensive plan map for the city is the *Metro Plan* land use diagram. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the *Metro Plan*, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the 1999 Residential Lands Study (RLS), there is sufficient buildable residential land to meet the identified land need.

The proposed re-designation sites include land that is either currently or proposed to be residentially designated. The RLS identifies the undeveloped residential land supply (inventory) based on the designation or zoning and the size of the parcel. Some demand was also assumed to be accommodated through redevelopment and infill. Each proposed re-designation site is addressed according to RLS inventory site criteria where applicable:

Crow Rd Study Area:

This 277 acre study area is proposed to change from a plan designation of medium density residential to a mix of low density residential, medium density residential and commercial. Since only medium density residential land is proposed for re-designation, the findings only

¹ These estimates are from the March 2012 Envision Eugene Recommendation. The estimates are currently being updated and are expected to change to some extent and result in a new Buildable Lands Inventory, Housing Needs Assessment and Economic Opportunities Analysis.

address the possible impacts to the RLS medium density residential land inventory. The study area includes several parcels that could have been part of the RLS 1999 supply of medium density residential lands;

- several larger parcels in the study area were identified in the RLS as part of the medium density residential site inventory (Subarea 5, Southwest Eugene, sites 5-1 and 5-3 through 5-23), and of those, approximately 146 buildable acres of the 1999 RLS medium density residential supply are proposed for re-designation to low density residential or commercial
- although not mapped, some lots in the study area may have been part of the small parcel land supply which included all undeveloped whole tax lots or underdeveloped parcels that were zoned or designated medium density under one acre in 1992, and
- some study area lots may have met the RLS redevelopment/infill supply criteria.

The 1999 RLS identified a surplus of residential acreage of 1,862 acres (considering a low demand assumption) or of 790 acres (considering a high demand assumption). This acreage represents those lands that were designated as residential lands, beyond the acreage needed to accommodate the projected 20-year demand. The Goal 10 findings supporting the adoption of the /WQ Water Quality Overlay Zone in 2009 indicated that, since the adoption of the RLS, Eugene and Springfield had taken various actions that had decreased the amount of surplus residential acreage, resulting in a surplus as of 2009, of either 1,250.33 acres (considering a low demand assumption) or of 178.33 acres (considering a high demand assumption). Since 2009, neither Eugene nor Springfield has seen any amendments that clearly re-designated medium density residential land in the RLS inventory land to some other designation; as such there is still a surplus of medium density residential land.

Therefore, re-designation of 184 acres of medium density residential in the Crow Rd Study Area is consistent with Goal 10.

Additionally, although not adopted, the city's March 2012 Envision Eugene Recommendation and inventory estimates that there is a surplus of medium density residential land for the next 20 years. This surplus is one reason the city is proposing to re-designate medium density land to low density residential, a category in which a deficit is projected.

Gilham Rd:

This 9.6 acre site was identified in the RLS as a portion of a larger 27 acre, low density residential inventory site (Subarea 3, Willakenzie, site 3-3,) and subsequently designated medium density residential. Since it was not part of the RLS medium density residential inventory, re-designation to low density residential does not impact the RLS inventory and is consistent with Goal 10.

Irving Rd/Eagles:

This site was not identified as part of the RLS since although it was zoned R-1, it was not in vacant, agricultural or timber use; therefore this re-designation does not reduce the RLS inventory and is consistent with Goal 10.

Based on the above, the amendments are consistent with Statewide Planning Goal 10.

Additionally, as part of Envision Eugene, the city's plan to establish a new Eugene-only UGB and accommodate the next 20 years of growth in our community, these amendments are necessary as part of the strategy to accommodate more of city's 20 year need for low density residential housing (typically single-family) and all of the need for medium density residential housing (typically multi-family) inside the current UGB. The city's March 2012 Envision Eugene Recommendation draft estimates identified a deficit of low density residential units that cannot be accommodated in Eugene's current UGB over the next 20 years without the city adopting measures to accommodate more housing. The city intends to account for the expected increase in units as part of the Envision Eugene adoption. Re-designation of these sites is part of a package of Envision Eugene strategies to reduce UGB expansion for low density residential and promote denser housing types downtown, along key transit corridors and core commercial areas. Other land use efficiency measures to increase the capacity for housing inside the current UGB, such as allowing alley access lots and removing barriers to secondary dwelling units, are also anticipated to be adopted as part of Envision Eugene.

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:*
 - (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 type of development currently permitted through existing plan designation and zoning will change for the proposed re-designation and rezoning sites. As detailed in the following findings, the city proposes to impose trip caps on all of the properties that are subject to a zone change or plan designation change that would allow uses that would generate more traffic than is currently allowed on those properties. Specifically, the city proposes to impose a vehicle trip cap on the Irving Rd/Eagles site where the currently allowed uses would be expanded as a result of the plan designation change. With the proposed trip cap, traffic generated from development in each area after the plan designation change cannot exceed the amount of traffic that could be generated from these properties prior to adoption of the plan designation changes.

Crow Rd Study Area:

Plan Designation Changes

The entire Crow Rd Study Area is currently designated medium density residential. The proposal is to keep about a quarter of the study area as medium density residential and re-designate the remaining three-quarters to low density residential or commercial (see table below). To determine if the proposed designations would result in more traffic generation than the current designation, the analysis applied the reasonable worst case traffic generation scenario from the Institute of Traffic Engineers trip generation manual.

The number of PM peak hour trips projected to be generated by development allowed under the reasonable worst case scenario are as follows:

Study Area	plan designation	Existing acres ²	Proposed acres	Projected PM Peak Trips Existing MDR Designation	Projected PM Peak Trips Proposed MDR/LDR/COM Designation
Crow Road Study Area	MDR	262	90.6	3,245	3,145
	LDR		161.6		
	COM		9.6		

The analysis shows that traffic generated under the reasonable worst-case scenario development for the proposed designations will result in less traffic than the traffic generated under the current medium density residential designation; as such the proposed designation

² The acres cited in the following tables that estimate the potential vehicle trips from the re-designations exclude acres protected from development and therefore do not represent the total acres being re-designated. See the table on page 2 for the total re-designation acres.

will not result in any of the effects described in (1)(c)(A)-(B) above and no further analysis is needed.

Zone Changes

The entire Crow Road Study Area is currently zoned R-1 low density residential. The proposal is to keep about three-quarters of the study area as R-1 and rezone the acreage that is remaining designated as medium density residential to a corresponding R-2 medium density residential zone (see table).

Study Area	zone	Existing acres	Proposed acres
Crow Road	R-2		90.6
Study Area	R-1	262	171.2

OAR 660-012-0060(9) provides an exception to determining if a zone change would have a significant effect on an existing or planned transportation facility:

- (9) *Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*
- (a) *The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
 - (b) *The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
 - (c) *The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024- 020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

The proposed rezone to R-2 satisfies OAR 660-012-0060(9)(a-c) as follows. Regarding subsection (a), as discussed above, the subject properties proposed for rezoning to R-2 are designated as medium density residential on the City’s adopted comprehensive plan map. R-2 zoning is consistent with the current medium density residential comprehensive plan map designation for medium density residential uses; therefore the proposed zone change is consistent with subsection (a).

Regarding subsection (b), *TransPlan* is the City’s adopted and acknowledged Transportation System Plan (TSP). The current comprehensive plan map was in place in 2001, the year that the City Council adopted *TransPlan*. The subject properties were designated medium density residential both before and since the City Council adopted the 2001 *TransPlan*. In adopting *TransPlan*, the City Council found *TransPlan* to be consistent with the *Metro Plan* which includes the *Metro Plan* diagram. Additionally, *TransPlan* does not include anything that is inconsistent with the subject properties being zoned R-2. Because the R-2 zoning will not change (is consistent with) the properties’ comprehensive plan designation of medium density residential, and *TransPlan* is consistent with the medium density residential designation, a R-2 zone on the subject properties is consistent with the City’s acknowledged TSP, and as such is consistent with subsection (b). Consistent with subsection (c), the area was not exempted from this rule at the time of a UGB amendment.

As such, per OAR 660-012-0060(9) the proposed zone changes do not significantly affect an existing or planned transportation facility; therefore the proposed plan amendment is consistent with Goal 12.

Gilham Rd:

Gilham Rd site is proposed to change from a plan designation of medium density residential and zone of R-2/C-1 to a plan designation of low density residential and zone R-1. To determine if the proposed re-designation and zone change would result in more traffic than the current designation and zone, the analysis applied the reasonable worst case traffic generation scenario from the Institute of Traffic Engineers trip generation manual. The number of PM peak hour trips projected to be generated by development allowed under the reasonable worst case scenario are as follows:

Study Area	Projected PM Peak Trips Existing MDR Designation	Projected PM Peak Trips Proposed LDR Designation	Projected PM Peak Trips Existing R-2/C-1 Zoning	Projected PM Peak Trips Proposed R-1 Zoning
Gilham Road	120	95	240	135

The traffic analysis shows that the proposed designation and zone is a down-designation and down-zone with the reasonable worst-case scenario development resulting in the generation of less trips than would be generated under the reasonable worst-case scenario development of the existing plan designation and zone; as such the proposed designation and zone will not result in any of the effects described in (1)(c)(A)-(B) above and no further analysis is needed.

Irving Rd/Eagles:

Irving Rd/Eagles is proposed to change from a plan designation of parks and open space to a plan designation of low density residential. To determine if the proposed designation would result in more traffic than the current designation, the analysis applied the reasonable worst case traffic generation scenario from the Institute of Traffic Engineers trip generation manual.

The number of PM peak hour trips projected to be generated by development allowed under the reasonable worst case scenario are as follows:

Study Area	Projected PM Peak Trips Existing POS Designation	Projected PM Peak Trips Proposed LDR Designation
Irving Rd/Eagles	5	150

The analysis shows that the reasonable worst-case scenario development for the proposed low density residential plan designation would exceed the trips under the reasonable worst-case scenario development for the existing plan designation. As a means of eliminating the potential significant effect of the proposed plan designation on the existing and planned transportation facilities in the area, the city proposes to cap the number of trips generated

from the subject property at 92 PM peak hour trips. This trip cap is based on a detailed traffic analysis by the property owner dated April 14, 2014, which shows that the appropriate mobility standard is achieved at all traffic study area intersections if a PM peak hour trip cap of 92 is assumed. The result is that the amount of traffic projected to be generated for the subject property with the proposed plan designation is limited to the amount of traffic generated before the intersections would potentially be significantly impacted.

By imposing a trip cap of 92 on the property subject to the plan designation change, the traffic generated from the subject property after the amendments cannot exceed the point in which the performance of transportation facilities would potentially be significantly impacted. The trip cap is an enforceable, ongoing requirement that will demonstrably limit traffic generation for the subject property by preventing traffic generation beyond that which would potentially create a significant impact. The trip cap is enforceable and ongoing because it will be monitored for the areas of the amendments each time a building permit is received by the City. Until the cap is lifted, the property within the subject area can only develop with a use that generates 92 or less PM peak trips. The trip cap and the manner in which it can be modified will be recorded with the re-designation ordinance adopting the plan amendment. Thus, in accordance with OAR 660-012-0060(1)(c), the proposed trip cap can be considered when determining whether a proposed amendment will significantly affect an existing or planned transportation facility. Because imposing a trip cap of 92 prevents the proposed amendment from creating any additional traffic generation from the subject property beyond the point before the performance of transportation facilities would potentially be significantly impacted, the trip cap completely eliminates the potential significant effect of the amendment and, therefore, no additional TPR analysis is needed.

With a trip cap that prevents trip generation beyond 92 PM peak trips the proposed amendment complies with the TPR; any modification or lifting of the trip cap requires a separate demonstration of TPR compliance. Thus, prior to modifying or lifting of the trip cap, an analysis must be done to determine whether, without the trip cap or with a modified trip cap, any existing or planned transportation facilities will be significantly affected by the amendment. If the analysis shows that there is a significant effect from the amendment, the trip cap could be lifted or modified only if one or more of the mitigation measures set forth in OAR 660-012-0060(2) is adopted. This analysis and, if necessary, adoption of mitigation measures, could occur as part of the City's update to its Transportation System Plan (TSP) or could occur through a separate process. Whether done through the TSP adoption process or a separate application, the trip cap modification process will include notice and an opportunity for public participation and a demonstration of compliance with the TPR.

As such, per OAR 660-012-0060(3) the potential significant effect of the plan designation amendment on the Irving Rd/Eagles property is eliminated because the amendment includes a trip cap that is an enforceable, ongoing requirement that limits traffic generation to the point before the performance of transportation facilities would potentially be significantly impacted; therefore the proposed plan amendment is consistent with Goal 12.

Based on the above findings, the amendments and zone changes are 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. Based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

Growth Management Goals, Findings, and Policies

- 1. The UGB and sequential development shall continue to be implemented as an essential means to achieve compact urban growth. The provision of all urban services shall be concentrated inside the UGB. (Policy 1)*

As stated in the response to Statewide Goal 11 (above), the re-designations will not affect the city's ability to serve the area inside the UGB. The glossary of the *Metro Plan* defines "compact urban growth" as follows:

The filling in of vacant and underutilized lands in the UGB, as well as redevelopment inside the UGB.

Consistent with this policy, re-designation of these sites will make it easier to do housing on sites that are currently not planned for housing (Irving Rd/Eagles) inside the UGB. Additionally, underdeveloped medium density residential areas that may be more suitable for low density (Crow Rd, Gilham Rd) would be re-designated to low density residential, helping to encourage the higher density housing to redevelop around existing and planned commercial areas. The re-designations are part of a package of Envision Eugene strategies to reduce UGB expansion for low density residential and promote compact urban growth and denser housing types in downtown, along key transit corridors and in core commercial areas.

A. Residential Land Use and Housing Element

Residential Density Policies

- 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.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.*

Consistent with these policies, underdeveloped medium density residential areas that may be more suitable for low density residential (Crow Rd Study Area, Gilham Rd) would be re-designated to low density residential, helping to encourage the higher density housing to redevelop around existing and planned commercial areas, near major transportation systems and creating mixed use compact development.

Additionally, the re-designations are needed as part of a package of Envision Eugene strategies intended to promote denser housing types in downtown, along key transit corridors and in core commercial areas. With re-designation of underdeveloped medium density residential areas on the edge of the city to low density residential, the city plans to use area planning and investment programs to promote medium and high density residential housing in compact and mixed use transit corridors with appropriate transitions to single-family homes.

Housing Type and Tenure Policies

- A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location.*
- A.19 Encourage residential developments in or near downtown core areas in both cities.*

Consistent with policy A.17, the re-designations provide for a mix of housing types in the Crow Rd Study Area and provide an opportunity for more housing types on the IrvingRd/Eagles site. Consistent with policy A.19, underdeveloped medium density residential areas that may be more suitable for low density residential (Crow Rd Study Area, Gilham Rd) would be re-designated to low density residential, helping to encourage the higher density housing to redevelop around existing and planned commercial areas like downtown. Additionally, the re-designations are needed as part of a package of Envision Eugene strategies intended to promote denser housing types in downtown, along key transit corridors and in core commercial areas.

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.

Consistent with this policy direction, the re-designations include a mix of designations (low density residential, medium density residential, and commercial) in the underdeveloped Crow Rd Study Area and help to encourage higher density housing types to redevelop around existing and planned commercial areas, creating mixed use compact development.

A.30 Balance the need to provide a sufficient amount of land to accommodate affordable housing with the community's goals to maintain a compact urban form.

Affordable housing is defined in the *Metro Plan* as housing priced so that a household at or below median income pays no more than 30 percent of its total income on housing and utilities. The re-designation sites are intended to create more land for low density residential inside the current UGB with existing or planned services, by shifting some areas planned for higher density housing types to locations with existing and planned commercial areas and near major transit systems. Together, the housing strategies help to promote “20 minute neighborhoods” and mixed use compact development, which helps to reduce development and transportation costs to households consistent with this policy. In addition, the city promotes affordable housing throughout the community, through the Land Acquisition Program, housing dispersal policy, and homeowner and renter assistance programs. The city’s programs will continue to balance the needs for affordable housing and compact urban development; indeed two of the seven pillars of Envision Eugene are focused on these topics.

B. Economic Element

B.6 Increase the amount of undeveloped land zoned for light industrial and commercial uses correlating the effective supply in terms of suitability and availability with the projections of demand.

This policy is applicable to Crow Rd Study Area:

Crow Rd Study Area

As stated previously under Goal 9, the 1992 Commercial Land Study indicates there is a surplus of commercial land, and since this re-designation is increasing rather than decreasing

the commercial land supply as found in 1992, it is consistent with this policy. Additionally, the draft Envision Eugene estimates have identified a deficit of commercial jobs that cannot be accommodated in Eugene's current UGB over the next 20 years without the city adopting measures to accommodate more jobs inside the UGB.

E. Transportation Element

Land Use

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.

J. 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.

Consistent with these policies F.3, J.7 and J.8, underdeveloped medium density residential areas that may be more suitable for low density residential (Crow Rd Study Area, Gilham Rd) would be re-designated to low density residential, helping to encourage higher density housing to redevelop around existing and planned commercial areas, near major transportation systems and creating mixed use compact development. Further, as part of Envision Eugene strategies, the city is focusing area planning and investments to achieve this type of development in downtown, along key transit corridors and in core commercial areas. The re-designations are part of these strategies.

Metro Plan Amendment Conclusion

Based on the above findings, the proposed *Metro Plan* diagram amendments are consistent with EC 9.7730. Additional *Metro Plan* policies applicable to the proposed refinement plan amendments are addressed under the refinement plan approval criteria EC 9.8865(1)(b) below.

Refinement Plan Amendments (file no. RA 13-1)

The following plan diagram and text amendments are proposed:

		Current	Proposed	
Site	Refinement Plan Name	Refinement Plan Designation	change in acres	Refinement Plan Designation
Crow Rd Study Area ¹ (277 acre study area)	Willow Creek Special Area Study	MDR	174.1	LDR
			92.8 ac	<i>MDR (no change)</i>
			10.3 ac	COM
Gilham Rd ² (9.6 acres)	Willakenzie Area Plan	MDR	9.6 ac	LDR
Irving Rd/Eagles ³ (16.9 acres)	River Road-Santa Clara Urban Facilities Plan	POS	16.9 ac	LDR

¹ Includes corresponding amendments to Willow Creek Special Area Study text, land use diagram, and refinement plan policies that are in Chapter 9 of the Eugene Code. This is updated to reflect the Planning Commission's December 2013 recommendation of the proposal as modified by public testimony for one property owner.

² Includes corresponding amendments to the Willakenzie Area Plan text, land use diagram and Unincorporated Subarea diagram

³ Includes a corresponding automatic amendment to the River Road-Santa Clara Urban Facilities Plan land use diagram and Northwest Expressway Subarea diagram

Per the *Metro Plan* amendment General Provisions EC 9.7750(4), the refinement plan diagram is automatically updated consistent with the corresponding *Metro Plan* amendment when no amendment to the refinement plan or refinement plan text is involved. The following identifies which re-designation sites that if adopted, would result in an automatic update to their corresponding refinement plan land use diagram, and which re-designation sites include refinement plan text amendments and thus require further analysis under the refinement plan approval criteria EC 9.8865(1)(b).

Crow Rd Study Area:

The Willow Creek Special Area Study (Willow Creek Study) requires amendment to the land use diagram (Map E) and policy text. The following refinement plan text amendments are proposed, with ~~strike out text~~ proposed for removal and underlined text proposed for addition:

(page 6, after note 11 of the Summary and Policies section)
II. SUMMARY AND POLICIES

Envision Eugene Update

In 2008, the city began the process to establish a new Eugene-only UGB and accommodate the next 20-years for growth in our community. As part of that effort, the city identified several opportunities to re-designate land to accommodate more of the city's 20 year need inside the current UGB, which were published in the recommendation *Envision Eugene, A Community Vision for 2032 (March 14, 2012)*. Re-designating land such as portions of the 277 acre Crow Road Study Area, that are more

suitable for low density residential or Commercial rather than medium density residential allows the city to accommodate more low density residential inside the current UGB, while promoting higher density housing to redevelop in downtown and core commercial areas, and along key transit corridors, creating a more compact urban development pattern.

During 2011-2013, the city worked with property owners and residents of the Crow Road Study Area to identify an updated vision for the study area and to help with the city's 20 year land need. The city held public meetings and sent surveys and letters to gather feedback on a draft land use concept plan and potential future development standards for the area. The main themes identified were to recognize the area's rural character and promote a less urban, more country feel as the area develops in the future while also ensuring the area is adequately serviced. Standards to address these issues in the future include such topics as tree preservation, building and lot standards, home businesses, and street design, connectivity and safety.

(page 7)

A. Land Use

3. Map E reflects land-use arrangements for the Willow Creek Basin and shall become one basis for future implementation through zoning or other applicable land use measures.

The approved land use map reflects a variety of policies within this special study and other approved policy documents such as the Community Goals and Policies and the Metro Plan.

The plan diagram locations for the approximately 92.8 acres of medium density residential and 10.3 acres of commercial in the Crow Road Study Area are based on the discussions at this time. The city recognizes that in the future there may be justification for minor adjustments to the designation and zone boundaries on those properties with more than one designation. The city shall allow for consideration of minor adjustments to the plan designation and zone boundary provided the acreage of each designation and zoning district remains essentially the same, and the change is consistent with the purpose of the regulations adopted in the future for this area.

4. City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least three cases:

- a. Properties with elevation and slope and geologic conditions which fit criteria identified South Hills Study for applying PUD procedures;
- b. Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project; and

- c. ~~Properties along natural stream courses will be developed under either PUD or site review procedures depending on the scale and complexity of the project.~~

The city may remove these requirements for the Crow Road Study Area upon completion of code amendments regarding tree preservation.

(page 8)

5. The city shall explore the value of the following code amendments and develop them if determined appropriate through a collaborative effort with study area property owners and residents. The code amendments to consider could include:

- a. Allow clustered housing outright (no PUD or Cluster Subdivision application required), combined with providing a larger lot to preserve views/open space, tree preservation, or agricultural/livestock use.
- b. Allow large single-family lots, such as for those lots that are located south of the Pitchford Avenue extension or that include an identified tree preservation area.
- c. Provide tree preservation requirements that:
 - have higher standards for preserving significant oak trees or areas,
 - make it easier to remove other trees, and
 - make it easier to remove trees along the UGB if trees outside the UGB are removed
- d. Facilitate home businesses related to agriculture and livestock such as stabling and sales of farmed products, encourage small businesses to serve a neighborhood, and consider compatibility requirements for these uses.
- e. Provide residential and commercial building design requirements or guidelines that promote a less urban, country feel.
- f. Provide street design standards that create a less urban, more country feel to the street network and increase safety and circulation for all modes of travel.

(page 10)

B. Transportation

9. In the Crow Road Study Area, safety and circulation improvements at the intersection of Crow Road and W. 11th Avenue will be needed as the area develops. Transportation system level issues will be addressed by the transportation system plan according to the type of development anticipated by the comprehensive plan.

Development specific impacts will be addressed by individual developers in accordance with the city's traffic impact analysis requirements.

10. In the Crow Road Study Area, north-south and east-west collector streets will be needed to serve the area, such as extension of Pitchford Avenue and Ed Cone Blvd.

Since the Willow Creek Study text is being amended, compliance with EC 9.8865(1)(b) is addressed below.

Gilham Rd:

The Willakenzie Area Plan requires amendment to the land use diagram, the Unincorporated Subarea diagram, and text. The following text amendments are proposed, with ~~strike-out text~~ proposed for removal and underlined text proposed for addition:

(page 56, add below last paragraph)

10. Unincorporated Subarea

Envision Eugene Update

In 2008, the city began the process to establish a new Eugene-only UGB and accommodate the next 20 years for growth in our community. As part of that effort, the city identified several opportunities to re-designate land to accommodate more of the city's 20 year need inside the current UGB, which were published in the recommendation *Envision Eugene, A Community Vision for 2032 (March 14, 2012)*. Re-designating land such as the 9.6 acre property on Gilham Road (identified as map/tax lot 17-03-08-32-08600) that is more suitable for low density residential than for medium density residential allows the city to accommodate more low density residential inside the current UGB, while promoting higher density housing to redevelop in downtown and core commercial areas, and along key transit corridors, creating a more compact urban development pattern.

(pages 59-60)

Unincorporated Subarea Policies and Proposed Actions

15. The City shall recognize the area at the northwest corner of Ayres and Gilham roads and the area at the southwest corner of Coburg Road and County Farm Loop, as depicted on the Willakenzie Land Use Diagram, as appropriate for medium-density residential development and shall recognize the property identified as map/tax lot 17-03-08-32-08600 as appropriate for low-density residential development.

15.1 Amend the Metro Plan diagram from low-density to medium-density residential designation for the above-referenced area at the northwest corner of Ayres and Gilham roads and the area at the southwest corner of Coburg Road and County Farm Loop, as depicted on the Willakenzie Land Use Diagram and from medium-density to low-density for the property identified as map/ tax lot 17-03-08-32-08600.

17. The Neighborhood Commercial C-1 node, as depicted on the Willakenzie Land Use Diagram, shall front on Ayres Road and shall be separated from Gilham Road by medium-density residential development.

Since the Willakenzie Area Plan text is being amended, compliance with EC 9.8865(1)(b) is addressed below.

Irving Rd/Eagles:

No text amendments are necessary to the River Road-Santa Clara Urban Facilities Plan; therefore the land use diagram and the subarea k. Northwest Expressway diagram will be automatically updated from parks and open space to low density residential upon approval of the *Metro Plan* land use diagram amendment.

EC 9.8424 requires that refinement plan amendments meet the following approval criteria (listed in ***bold and italic***). Findings are provided below with respect to each of the applicable criteria for the Crow Rd Study Area and Gilham Road refinement plan diagram and text amendments.

- (1) ***The refinement plan amendment is consistent with all of the following:***
 - (a) ***Statewide planning goals.***
 - (b) ***Applicable provisions of the Metro Plan.***

The findings demonstrating compliance with EC 9.7730(3) above regarding compliance with the Statewide planning goals and the applicable provisions of the *Metro Plan* are incorporated herein by reference. Additional applicable *Metro Plan* policies are addressed as follows:

A. Residential Land Use and Housing Element

Design and Mixed Use Policies

- 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.*

Crow Rd Study Area:

Consistent with this policy, the proposed text amendments direct staff to further consider, and if warranted develop, development regulations that address open space (e.g. clustered housing, large lots, tree preservation) and aesthetics (e.g. building design, street standards) and other community concerns (e.g. safety and circulation improvements).

C. Environmental Resources Element

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.

Crow Rd Study Area:

Consistent with this policy, the proposed Willow Creek Study text amendments direct staff to further consider, and if warranted develop, development regulations that address open space and natural resources (e.g. clustered housing, large lots, tree preservation). The Willow Creek Study land use policy 4.c that requires properties along natural stream courses to be developed under either PUD or site review procedures is being removed because this requirement was included prior to the city's West Eugene Wetlands Plan work. This work resulted in several wetlands and streams in west Eugene being protected and adoption of the corresponding /WP Waterside Protection and /WB Wetland Protection overlay zones. Upon annexation, properties next to the stream and certain wetlands on the east side of the Crow Road Study Area will have a required building setback and be regulated by the /WP or /WB overlay standards; therefore the PUD or site review procedures specified in policy 4.c are no longer necessary.

(c) Remaining portions of the refinement plan.

Crow Rd Study Area:

The following policies from the Willow Creek Special Area Study (1983) are relevant:

3. Map E reflects land-use arrangements for the Willow Creek Basin and shall become one basis for future implementation through zoning or other applicable land use measures.

The approved land use map reflects a variety of policies within this special study and other approved policy documents such as the Community Goals and Policies and the Metro Plan.

The proposed amendments to Map E and associated text amendments to this policy are needed to reflect the change in conditions in this area as discussed in more detail under EC 9.8424(2) below, which is incorporated herein by reference.

4. City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least three cases:

- a. Properties with elevation and slope and geologic conditions which fit criteria identified South Hills Study for applying PUD procedures;*
- b. Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project; and*
- c. Properties along natural stream courses will be developed under either PUD or site review procedures depending on the scale and complexity of the project.*

Consistent with the intent of this policy requiring additional analysis for developing near natural resources, as discussed under *Metro Plan* policy C.21 above, Willow Creek Study policy 4.c is proposed for removal because this requirement was included in the study prior to the city's adoption of the Goal 5 /WP Waterside Protection and /WB Wetland Protection overlay zones which will regulate development near the study area's streams and protected wetlands. Additionally, current planned unit development (PUD) and subdivision regulations address these issues as well. As such, this requirement is no longer necessary. Additional text is proposed to be added to policy 4 to allow 4.a and 4.b requirements to be removed as well if appropriate based upon completion of revised tree preservation standards for this area in the future.

Gilham Rd:

The following policies from the Willakenzie Area Plan (1992) are relevant:

Residential Policies and Proposed Actions

1. *Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city.*
4. *Encourage a mixture of housing densities and types to address the housing needs of a diverse population.*
5. *Encourage medium and high-density residential uses in areas which have good access to commercial services, public open space, schools, parks, transit and other alternative modes of transportation.*

Although these policies do not directly address the proposed amendments or constitute mandatory approval criteria, they lend general support for the re-designation and text amendments. The intent of re-designating the Gilham Rd site is to re-designate an area that may be more suitable to low density rather than medium density residential given its distance to commercial services and being on the edge of town, while also helping to promote higher density housing downtown, along key transit areas and in core commercial area where they can be closer to existing and planned commercial and major transit systems.

Unincorporated Subarea Policies and Proposed Actions

15. *The City shall recognize the area at the northwest corner of Ayres and Gilham roads and the area at the southwest corner of Coburg Road and County Farm Loop, as depicted on the Willakenzie Land Use Diagram, as appropriate for medium-density residential development.*
 - 15.1 *Amend the Metro Plan diagram from low-density to medium-density residential designation for the above-referenced area, as depicted on the Willakenzie Land Use Diagram.*

17. *The Neighborhood Commercial C-1 node, as depicted on the Willakenzie Land Use Diagram, shall front on Ayres Road and shall be separated from Gilham Road by medium-density residential development.*

These policies are proposed to be amended as identified at the beginning of this section to recognize the Gilham Rd site as appropriate for low density residential consistent with the proposed *Metro Plan* diagram amendment to low density residential. Additionally, it is noted that there is a 3.18 acre tax lot (map and tax lot 17-03-08-33-00100 on the corner of Ayres and Gilham Roads) to the south of the Gilham Rd site that will remain designated commercial and medium density residential, consistent with these policies (as proposed to be amended).

Based on the above findings, the proposed plan diagram and text amendments for Crow Rd Study Area and Gilham Rd are consistent with and supported by the applicable provisions of these adopted plans, as amended.

- (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 Crow Rd Study Area and Gilham Rd re-designations and text amendments are not based on 2(a) an error in the publication of the Willow Creek Special Area Study or the Willakenzie Area Plan or on 2(d) new or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan; therefore EC 9.8424(2)(a) and (d) above are not applicable to this proposal.

Regarding 2(b) and 2(c), as part of Envision Eugene, the city's plan to establish a new Eugene-only UGB and accommodate the next 20 years of growth in our community, these amendments are necessary as part of the strategy to accommodate more of the city's 20 year need for low density residential housing (typically single-family) and all of the commercial need inside the current UGB. The city's draft land inventory and estimates have identified a deficit of low density residential units and commercial jobs that cannot be accommodated in Eugene's current UGB over the next 20 years without the city adopting measures to accommodate more housing and jobs inside the UGB. The city intends to account for the expected increase in units as part of the Envision Eugene adoption. Re-designation of these sites is part of a package of Envision Eugene strategies to promote denser housing types downtown, along key transit corridors and core commercial areas, reduce UGB expansion for low density residential and provide for daily needs near homes. Although these strategies and policies are not adopted yet, other land use efficiency measures to increase the capacity for housing and jobs inside the current UGB, such as allowing alley access lots and re-designating/rezoning certain areas for more jobs, are also anticipated to be adopted as part of Envision Eugene.

Regarding 2(d), a change in circumstance for Crow Rd Study Area and Gilham Rd sites that were not anticipated at the time their refinement plans were adopted are factors that helped inform the Envision Eugene strategy proposing to re-designate these sites:

Crow Rd Study Area:

In 1982, the Willow Creek Study was adopted. It anticipated significant employment centers within the basin and identified the need to address wetlands and streams in the area. In addition, the area to the north of the Crow Road Study Area and north of W. 11th Avenue was also anticipated to be developed as a major employment center. In 1989, the West Eugene Wetlands Plan (WEWP) planning process began, which resulted in adoption of the WEWP, identifying wetlands as Protect, Restore and Develop, and adopting wetland and stream protection overlay zones. A significant amount of area in the anticipated employment centers was identified as Protect or Restore wetlands and many acres have since been purchased by public agencies and non-profits for preservation or restoration. As a result, the amount of housing needed in this area to support the employment centers has lessened. Further, the city is focusing on promoting higher density housing in areas closer-in, around existing and planned commercial and major transit systems to reduce vehicle trips and help create compact urban development. Due to these changes in circumstance, re-designation of the majority of the Crow Road Study Area to low density residential with some commercial and the corresponding text amendments are proposed.

Gilham Road:

In 1992, the Willakenzie Area Plan was adopted. At that time, the area around the Gilham Rd site remained largely undeveloped. Since then, the development has resulted in predominately low density residential patterns, with even the medium density residential area to the south of Ayres Road being subdivided into smaller lots with a privacy wall running the length of the Gilham Road frontage. Additionally, the C-1 Neighborhood Commercial zoning on the Gilham Road site is located in the middle of the block with no direct access to Ayres Road. While it is possible that joint commercial development and supporting medium density residential could be achieved, current planning practice recognizes that the existing development patterns in this area may not be conducive to achieving successful (or even any) apartments or neighborhood commercial on the Gilham Road site. It is more feasible to locate higher density housing close to existing and planned commercial and major transit systems. Due to this change in circumstance, re-designation of the Gilham Rd site to low density residential and corresponding text amendments are proposed.

Refinement Plan Amendment Conclusion

Based on the above findings, compliance with the refinement plan amendment approval criteria of EC 9.8424 for the Crow Rd Study Area and Gilham Rd re-designations and text amendments is met.

Zone Change (file no. Z 13-7)

The following zone changes are proposed:

Site	Current	Proposed	
Location	Zoning	Change in acres	Zoning
Crow Rd Study Area (277 acre study area)	R-1	174.1	<i>R-1 (no change)</i>
		92.8 ac	R-2
		10.3 ac	<i>R-1 (no change)</i>
Gilham Rd (9.6 acres)	R-2 (8.6 ac)	9.6 ac	R-1
	C-1 (1.5 ac)		
Irving Rd/Eagles (16.9 acres)	R-1	16.9 ac	<i>R-1 (no change)</i>

EC 9.8865 requires that the zone change proposals meet the following approval criteria (listed in ***bold and italic***). Findings are provided below with respect to each of the applicable 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.***

Some of the policies addressed in the *Metro Plan* and refinement plan amendment findings are applicable here, and to the extent they are applicable the findings under EC 9.7730(3)(b) and EC 9.8424(1)(b) are incorporated herein by reference as demonstration of consistency with applicable *Metro Plan* policies.

- (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.***

Approval of the zone changes is dependent upon approval of the *Metro Plan* land use diagram amendments. The zone changes are consistent with the corresponding refinement plans due to an automatic update to the refinement plan diagram as allowed per EC 9.7750(4), or due to proposed refinement plan text amendments, as follows:

Crow Rd Study Area:

These zone changes are generally dependent on the Willow Creek Study diagram and text amendment or are implementing the existing refinement plan designation. Upon adoption, the zone changes will be consistent with the refinement plan, as amended.

Gilham Rd:

The zone change is dependent on the Willakenzie Area Plan diagram, subarea diagram and text amendment. Upon adoption, the zone change will be consistent with the refinement plan, as amended.

Irving Rd/Eagles:

No zone change is proposed for this site. Upon adoption of the *Metro Plan* amendment and the automatic amendment to the River Road-Santa Clara Urban Facilities Plan diagram and subarea diagram, the existing zone of R-1 will be consistent with the refinement plan.

Based on the above findings, the proposed zone changes are consistent with the applicable refinement plans, as amended.

- (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 findings of compliance with Goal 11 – Public Facilities and Services, and Goal 12 – Transportation above are incorporated herein by reference. With the findings established and referenced herein, the proposal complies with this criterion.

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

(f) EC 9.2735 Residential Zone Siting Requirements.

There are no applicable siting requirements for the R-1 or R-2 zones; therefore, this criterion does not apply.

- (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 NR zone is not requested or applicable in this instance. Therefore, the above criterion is inapplicable.

Zone Change Conclusion

Based on the above findings, compliance with the refinement plan amendment approval criteria of EC 9.8865 is met.

Land Use Code Amendments (file no. CA 13-5)

The following amendments to the Chapter 9 Land Use Code are proposed.

Crow Rd Study Area:

As discussed above under the refinement plan amendments, the Willow Creek Special Area Study (Willow Creek Study) requires amendment to the land use diagram (Map E) and policy text. Some of this text is also in the land use code and therefore requires corresponding amendments. The following code amendments are proposed, with ~~strike-out text~~ proposed for removal and underlined text proposed for addition:

9.9710 Willow Creek Special Area Study Policies.

(1) Land Use.

- (a) Map E reflects land-use arrangements for the Willow Creek Basin and shall become one basis for future implementation through zoning or other applicable land use measures.

The plan diagram locations for the approximately 82.5 acres of medium density residential and 10.2 acres of commercial in the Crow Road Study Area are based on the discussions at this time. The city recognizes that in the future there may be justification for minor adjustments to the designation and zone boundaries on those properties with more than one designation. The city shall allow for consideration of minor adjustments to the plan designation and zone boundary provided the acreage of each designation and zoning district remains within 10%, and the change is consistent with the purpose of the regulations adopted in the future for this area. (Policy 3)

- (b) The City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least three cases:
 1. Properties with elevation and slope, soil and geologic conditions which fit criteria identified in Eugene’s South Hills Study for applying PUD procedures;
 2. Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project; and
 - ~~3. Properties along natural stream courses will be developed under either PUD or site review procedures depending on the scale and complexity of the project.~~

(Policy 4)

(2) Transportation.

- (a) Through appropriate mechanisms, proposed developments shall be encouraged to respond to an overall transit, bicycle, and pedestrian system for the Willow Creek Basin. (Policy 2)
- (b) Bicycle facilities will be designed to connect with other major routes outside the Willow Creek Basin, in order to provide residents and employees with this transportation option for daily and recreational travel needs. (Policy 3)
- (c) Major employment and commercial center proposals shall plan for convenient, covered on-site bicycle parking as an integral part of a parking program. (Policy 4)
- (d) Through appropriate mechanisms, proposed developments shall be encouraged to provide adequate transit access. (Policy 5)
- (e) The City of Eugene shall work with major employers to establish and implement ongoing paratransit programs. (Policy 6)
- (f) Development proposals within the urban growth boundary shall be

reviewed to ensure adequate access to the adjacent properties within the urban reserve area. (Policy 7)

(g) A carefully planned collector street system providing access from residential, commercial, and industrial areas to arterial streets shall be developed for the Willow Creek Basin. (Policy 8)

(h) In the Crow Road Study Area, safety and circulation improvements at the intersection of Crow Road and W. 11th Avenue will be needed as the area develops. Transportation system level issues will be addressed by the transportation system plan according to the type of development anticipated by the comprehensive plan. Development-specific impacts will be addressed by individual developers in accordance with the city's traffic impact analysis requirements. (Policy 9)

(i) In the Crow Road Study Area, north-south and east-west collector streets will be needed to serve the area, such as extension of Pitchford Avenue and Ed Cone Blvd. (Policy 10)

EC 9.8065 requires that code amendments meet the following approval criteria (listed in ***bold and italic***). Findings are provided below with respect to each of the applicable criteria.

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

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

The findings demonstrating compliance with EC 9.7730(3) and EC 9.8424(1) above regarding compliance with the Statewide planning goals and the applicable provisions of the *Metro Plan* are incorporated herein by reference.

(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 code amendments do not include establishment of a special area zone, therefore this criterion is not applicable.

Code Amendments Conclusion

Based on the above findings, compliance with the code amendment approval criteria of EC 9.8065 is met.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING ENVISION EUGENE RESIDENTIAL REDESIGNATION TO REDESIGNATE AND REZONE UNANNEXED RESIDENTIAL PROPERTIES BY AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN LAND USE DIAGRAM; AMENDING THE EUGENE ZONING MAP; AMENDING THE WILLOW CREEK SPECIAL AREA STUDY DIAGRAM AND TEXT; AMENDING THE RIVER ROAD-SANTA CLARA URBAN FACILITIES PLAN DIAGRAM; AND ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds that:

A. The amendments contained in this ordinance are intended to implement recommendations contained in *Envision Eugene, A Community Vision for 2032*, including the establishment of a Eugene-specific urban growth boundary. Specifically, these amendments are intended to accommodate more of the city's 20-year housing needs inside the current urban growth boundary. The amendments include changes to the Metro Plan Land Use Diagram and corresponding changes to the Willow Creek Special Area Study Land Use Diagram and Text, the River Road-Santa Clara Urban Facilities Plan Land Use Diagram and subarea diagram, and the Eugene Zoning Map. The areas affected include the Crow Road Study Area and the Irving Rd/Eagles site as identified in Exhibit A.

B. The amendments contained in this Ordinance are based on the recommendation of the Eugene Planning Commission. The City of Eugene Planning Commission and Lane County Planning Commission held a joint public hearing on the amendments contained in this Ordinance on November 19, 2013, and the Eugene Planning Commission forwarded its recommendations to the Eugene City Council for amendments to the Metropolitan Area General Land Use Diagram as shown on Exhibits B and C. On June 3, 2014, the Eugene City Council and the Lane County Board of Commissioners held a joint public hearing to consider the amendments and the governing bodies deliberated separately on July 9, 2014 and July 8, 2014, respectively. The Lane County Board of Commissioners and the Eugene City Council reached consensus to approve the proposed amendment, and the Board of Commissioners has or will adopt a substantively identical ordinance.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Metro Plan Diagram is hereby amended to change the land use designations for certain properties as indicated on Exhibit A attached to this Ordinance, and depicted on the maps attached as Exhibits B and C to this Ordinance. Specifically,

the Metro Plan Diagram for the identified Crow Road Study Area properties is amended from a designation of Medium Density Residential to a designation of Low Density Residential, Commercial, or a combination of Low Density Residential, Commercial or Medium Density Residential. The Metro Plan Land Use Diagram for the Irving Road/Eagles property (identified as Tax Lot 3500 of Assessor's Map 17-04-10-42) is amended from a designation of Parks and Open Space to Low Density Residential.

Section 2. The Eugene Zoning Map is hereby amended to change the zone for certain properties as indicated on Exhibit A attached to this Ordinance, and depicted on the maps attached as Exhibit B to this Ordinance. Specifically, the Eugene Zoning Map for the identified Crow Road Study Area properties is amended from a zone of R-1 Low Density Residential to a zone of either R-2 Medium Density Residential, or a combination of R-1 Low Density Residential or R-2 Medium Density Residential.

Section 3. Consistent with the provisions of Section 9.7750(4) of the Eugene Code, the Willow Creek Special Area Study text is amended as shown on Exhibit D attached to this Ordinance. Also consistent with the provisions of Section 9.7750(4), Land Use Diagram Map E (Page 29) of the Willow Creek Special Area Study is amended as shown on Exhibit B attached to this Ordinance.

Section 4. Consistent with the provisions of Section 9.7750(4) of the Eugene Code, the River Road-Santa Clara Urban Facilities Land Use Diagram (Page 2-3) and the land use diagram for the Northwest Expressway Subarea (Page 2-34) in the River Road-Santa Clara Urban Facilities Plan are automatically amended for the property identified as Assessor's Map 17-04-10-42, Tax Lot 3500, as shown on Exhibit C attached to this Ordinance.

Section 5. Based on the findings set forth in Exhibit E attached hereto and adopted as findings in support of this Ordinance, prior to annexation the following limitation on the use of the land referenced in Section 1 above is hereby imposed:

New development that is not already approved through an existing land use approval on the Irving Rd/Eagles lot (map and tax lot number 17-04-10-42-03500) is limited to a maximum of 92 peak hour vehicle trips. The maximum peak hour vehicle trips are based on the Trip Generation Manual from the Institute of Transportation Engineers (ITE).

Section 6. Based on the findings set forth in Exhibit E attached hereto and adopted as findings in support of this Ordinance, upon annexation the following limitation on the use of the land referenced in Section 1 above is hereby imposed:

New development that is not already approved through an existing land use approval on the Irving Rd/Eagles lot (map and tax lot number 17-04-10-42-03500) is limited to a maximum of 92 peak hour vehicle trips. The maximum peak hour vehicle trips are based on the Trip Generation Manual from the Institute of Transportation Engineers (ITE).

The City may allow a modification of the trip cap beyond this maximum number of peak hour vehicle trips only if the applicant submits to the City a traffic impact analysis that demonstrates that the proposed intensification of use would be consistent with the Transportation Planning Rule (TPR) at OAR 660-12-0060. The applicant shall seek and the City shall consider such approval using the City's Type II land use application procedures.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 8. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, or upon the date the Lane County Board of Commissioners has adopted an ordinance containing identical provisions to those described in sections 1, 2 and 3 of this Ordinance, whichever is later.

Passed by the City Council this

_____ day of _____, 2014

Approved by the Mayor this

_____ day of _____, 2014

City Recorder

Mayor

Exhibit A
Page 1 of 2

Area	Map	Lot	Total Lot Acres	CURRENT			PROPOSED				Annexed
				Metro Plan Designation	Refinement Plan Designation	Zoning (overlay zones not shown) ¹	Approximate Tax Lot Acres for split designations or split zones ²	Metro Plan Designation	Refinement Plan Designation	Zoning (overlay zones not shown) ¹	
Irving Road/Eagles	17041042	3500	16.98	POS	POS	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	900	4.43	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	1000	1.20	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	1100	2.41	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	1200	9.12	MDR	MDR	R-1	1.2	MDR	MDR	R-1	No
							7.9	COM	COM	R-2	No
Crow Road Study Area	17043200	1502	3.10	MDR	MDR	R-1		MDR	MDR	R-2	No
Crow Road Study Area	17043200	1600	39.84	MDR	MDR	R-1	32.9	LDR	LDR	R-1	No
							6.9	MDR	MDR	R-2	No
Crow Road Study Area	17043200	1700	0.43	MDR	MDR	R-1		MDR	MDR	R-2	No
Crow Road Study Area	17043200	1800	0.82	MDR	MDR	R-1		MDR	MDR	R-2	No
Crow Road Study Area	17043200	1900	0.82	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2000	0.82	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2100	0.82	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2200	0.83	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2300	0.37	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2400	0.41	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2500	0.85	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2600	0.45	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2700	0.35	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2800	0.47	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	2900	3.75	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3000	2.00	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3100	1.20	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3200	2.80	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3300	2.06	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3400	0.34	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3500	0.27	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3600	0.48	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3700	2.79	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3800	0.23	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	3900	0.31	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4000	0.66	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4100	0.63	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4200	0.44	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4300	0.44	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4400	0.88	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4500	0.88	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4600	0.44	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4700	0.44	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	4800	7.83	MDR	MDR	R-1	6.2	LDR	LDR	R-1	No
							1.7	COM	COM	R-1	No
Crow Road Study Area	17043200	4900	12.58	MDR	MDR	R-1	9.4	LDR	LDR	R-1	No
							2.4	MDR	MDR	R-2	No
							0.7	COM	COM	R-1	No
Crow Road Study Area	17043200	5000	38.12	MDR	MDR	R-1	27.5	LDR	LDR	R-1	No
							10.6	MDR	MDR	R-2	No
Crow Road Study Area	17043200	5100	16.47	MDR	MDR	R-1		MDR	MDR	R-2	No
Crow Road Study Area	17043200	5200	5.03	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5300	2.16	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5400	5.63	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5500	4.45	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5600	4.47	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5700	5.01	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5800	5.29	MDR	MDR	R-1		LDR	LDR	R-1	No
Crow Road Study Area	17043200	5900	5.29	MDR	MDR	R-1		LDR	LDR	R-1	No

Exhibit A

Page 2 of 2

Plan Designations		Zoning		¹Overlay Zones
LDR	Low Density Residential	R-1	Low Density Residential	Some lots also have one or more overlay zones which are not shown in this table.
MDR	Medium Density Residential	R-2	Medium Density Residential	All existing overlay zones remain in effect.
COM	Commercial	C-1	Neighborhood Commercial	
GOV & ED	Government & Education	PL	Public Land	² For split designations or zones, the adoption map rules over the approximate acreage cited here

Crow Road Study Area Envision Eugene: Residential Re-designation (File No. MA 13-2, RA 13-1, Z 13-7, CA 13-5)



Proposed Metro Plan and Willow Creek Special Area Plan Designation / Zoning

Note: in some areas the plan designation or zoning is not changing

- Commercial / R-1 Low Density Residential - **no change to R-1 zoning**
- Medium Density Residential / R-2 Medium Density Residential - **no change to MDR designation**
- /// Low Density Residential / R-1 Low Density Residential - **no change to R-1 zoning**

- City Limits
- Study Area

0000 Tax Lot number of Assessor's Map 17-04-32-00

Current Metro Plan designation is Medium Density Residential / current zoning is R-1 Low Density Residential
 Note: Overlay zones are not shown and remain unchanged.




Irving Road/Eagles Site

Envision Eugene: Residential Re-designation
 (File No. MA 13-2, RA 13-1, Z 13-7, CA 13-5)



Proposed Metro Plan and River Road-Santa Clara Urban Facilities Plan Designation / Zoning
Note: in some areas the plan designation or zoning is not changing

 Low Density Residential / R-1 Low Density Residential
 Current plan designation is Parks and Open Space / no change to zoning
 Note: Overlay zones are not shown and remain unchanged.



 Study Area
 City Limits



Exhibit D

Willow Creek Special Area Study text amendments

(for the Envision Eugene Crow Road Study Area re-designation/rezone)

Existing text to amend:

Red italic text = Proposed Policies

~~Strike through text~~ = Text to be removed.

(page 6, after note 11 of the Summary and Policies section)

II. SUMMARY AND POLICIES

Envision Eugene Update

In 2008, the city began the process to establish a new Eugene-only UGB and accommodate the next 20 years for growth in our community. As part of that effort, the city identified several opportunities to re-designate land to accommodate more of the city's 20 year need inside the current UGB, which were published in the recommendation Envision Eugene, A Community Vision for 2032 (March 14, 2012). Re-designating land such as portions of the 277 acre Crow Road Study Area, that are more suitable for low density residential or Commercial rather than medium density residential allows the city to accommodate more low density residential inside the current UGB, while promoting higher density housing to redevelop in downtown and core commercial areas, and along key transit corridors, creating a more compact urban development pattern.

During 2011-2013, the city worked with property owners and residents of the Crow Road Study Area to identify an updated vision for the study area and to help with the city's 20 year land need. The city held public meetings and sent surveys and letters to gather feedback on a draft land use concept plan and potential future development standards for the area. The main themes identified were to recognize the area's rural character and promote a less urban, more country feel as the area develops in the future while also ensuring the area is adequately serviced. Standards to address these issues in the future include such topics as tree preservation, building and lot standards, home businesses, and street design, connectivity and safety.

(page 7)

A. Land Use

3. Map E reflects land-use arrangements for the Willow Creek Basin and shall become one basis for future implementation through zoning or other applicable land use measures.

The approved land use map reflects a variety of policies within this special study and other approved policy documents such as the Community Goals and Policies and the Metro Plan.

The plan diagram locations for the approximately 92.8 acres of medium density residential and 10.3 acres of commercial in the Crow Road Study Area are based on the discussions at this time. The city recognizes that in the future there may be justification for minor adjustments to the designation and zone boundaries on those properties with more than one designation. The city shall allow for consideration of minor adjustments to the plan designation and zone boundary

provided the acreage of each designation and zoning district remains within 10%, and the change is consistent with the purpose of the regulations adopted in the future for this area.

4. City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least ~~three~~ two cases:

- a. Properties with elevation and slope and geologic conditions which fit criteria identified South Hills Study for applying PUD procedures;
- b. Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project; and
- c. ~~Properties along natural stream courses will be developed under either PUD or site review procedures depending on the scale and complexity of the project.~~

The city may remove these requirements for the Crow Road Study Area upon completion of code amendments that are completed in coordination with the neighborhood.

(page 8)

5. The city shall explore the value of the following code amendments and develop them if determined appropriate through a collaborative effort with study area property owners and residents. The code amendments to consider could include:

- a. *Allow clustered housing outright (no PUD or Cluster Subdivision application required), combined with providing a larger lot to preserve views/open space, tree preservation, or agricultural/livestock use.*
- b. *Allow large single-family lots, such as for those lots that are located south of the Pitchford Avenue extension or that include an identified tree preservation area.*
- c. *Provide tree preservation requirements that:*
 - *have higher standards for preserving significant oak trees or areas,*
 - *make it easier to remove other trees, and*
 - *make it easier to remove trees along the UGB if trees outside the UGB are removed*
- d. *Facilitate home businesses related to agriculture and livestock such as stabling and sales of farmed products, encourage small businesses to serve a neighborhood, and consider compatibility requirements for these uses.*
- e. *Provide residential and commercial building design requirements or guidelines that promote a less urban, country feel.*

Exhibit E
Findings for City File MA 13-2, RA 13-1, ZC 13-7, CA 13-5
Envision Eugene: Residential Re-designations, Zone Changes for Housing

Overview

The goal of these *Metro Plan* land use diagram amendments, and corresponding changes to refinement plan diagram and text, refinement plan land use code, and zone changes, is to implement several Envision Eugene strategies under the housing affordability and compact development pillars in the March 2012 Envision Eugene Recommendation. These amendments are necessary as part of the city's strategy to accommodate more of the city's 20 year need for single-family housing (low density residential) inside the current urban growth boundary (UGB) and all of the city's 20 year need for multi-family housing (medium and high density residential) and commercial inside the current UGB. Specifically, these plan amendments and zone changes are part of a package of land use efficiency strategies the city is relying on to accommodate the following inside the UGB:

- approximately 631 additional low density residential homes (typically single-family)
- approximately 10 additional acres of commercial land

This package of re-designations and corresponding amendments and zone changes includes the following (see table below):

Location and approximate size in acres	(ac)	Current Metro Plan & refinement Plan		Change in acres	Proposed Metro Plan & refinement Plan	
		Zoning	Zoning		Zoning	Zoning
Crow Rd Study Area * ¹ 52 tax lots south of West 11 th Ave., west of Lane Memorial cemetery, east of Greenhill Rd, north of the UGB	277 ac study area			174.1 ac	LDR	R-1 (no change)
		MDR	R-1	92.8 ac	MDR (no change)	R-2
				10.3 ac	COM	R-1 (no change)
Gilham Rd ² 1703083208600	9.6 ac	MDR	R-2 (8.6 ac) C-1 (1.5 ac)	9.6 ac	LDR	R-1
Irving Rd./Eagles * ³ 1704104203500 (about 7 ac for church, 8 ac for new housing, 2 ac for new park)	16.9 ac	POS	R-1	16.9 ac	LDR	R-1 (no change)

* The plan amendments for these sites which are located outside the city limits but inside the urban growth boundary require Lane County adoption; the plan amendments on property within the city limits do not.

¹ Includes corresponding amendments to Willow Creek Special Area Study text, land use diagram, and refinement plan policies that are in Chapter 9 of the Eugene Code. This is updated to reflect the Planning Commission's December 2013 recommendation of the proposal as modified by public testimony for one property owner.

² Includes corresponding amendments to the Willakenzie Area Plan text, land use diagram and Unincorporated Subarea diagram

³ Includes a corresponding automatic amendment to the River Road-Santa Clara Urban Facilities Plan land use diagram and Northwest Expressway Subarea diagram and a vehicle trip cap

Allowed housing density by Metro Plan land use designation and by zone:

Metro Plan Designation	Allowed gross density	Zoning	Allowed net density
Low Density Residential (LDR)	up to 10 units	R-1 Low Density Residential	up to 14 units
Medium Density Residential (MDR)	over 10-20 units	R-2 Medium Density Residential	10-28 units
Commercial (COM)	no minimum or maximum	C-1 Neighborhood Commercial	no minimum or maximum
		C-2 Community Commercial	no minimum or maximum
Parks & Open Space (POS)	no minimum or maximum	PL Public Land	no minimum or maximum

Metro Plan Amendments (file no. MA 13-2)

The Metro Plan land use diagram is proposed for amendment. Eugene Code Section 9.7730 requires that the following approval criteria (in ***bold italics***) be applied to Metro Plan amendments:

(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 complies with Goal 1 because it is consistent with the citizen involvement provisions.

The strategy to amend the comprehensive plan and re-designate sites to a different future land use type emerged from the Envision Eugene process, the city's plan to establish a new Eugene-only urban growth boundary and accommodate the next 20 years of growth in our community. These amendments are necessary as part of the strategy to accommodate more of the city's 20-year need for low density residential housing (typically single-family) and all of the need for medium density residential housing (typically multi-family) and commercial inside the current UGB. Re-designation of these sites is part of a package of Envision Eugene strategies to reduce UGB expansion for low density residential and promote denser housing types downtown, along key transit corridors and core commercial areas. The Envision Eugene strategies developed out of an extensive public involvement process including two years of meetings with a 70-plus person community resource group, questionnaires, open houses, and community forums. In addition, more recently staff has sent letters or held meetings with property owners and residents adjacent to many of the proposed re-designation sites to inform residents and get feedback on the proposals.

Other engagement and information opportunities included discussion of the project in the December 2012 and the May 2013 editions of the Envision Eugene e-newsletter, periodic updates at Planning Commission work sessions, and the establishment of a "Residential Re-designation" project web page.

The joint Eugene and Lane County 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. Following action by the Eugene and Lane County Planning Commissions, the Eugene City Council and the Board of Commissioners will hold a duly noticed public hearing to consider approval, modification, or denial of the plan amendments and zone changes. Lane County Planning Commission and Board of Commissioners will be participating in the proposed Metro Plan re-designations that are outside the city limits but inside the urban growth boundary (e.g. portions of the Crow Road Study Area and the Irving Rd/Eagles site). 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 plan 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:

- (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, landslides, 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. Goal 8 also allows, but does not require, the City to create an inventory of recreational needs. To the extent that Goal 8 is applicable, the City has two documents related to long-range parks planning: the Parks, Recreational and Open Space Comprehensive Plan (PROS) and its list of implementing projects in the PROS Project and Priority Plan. The PROS Project and Priority Plan is adopted and therefore provides some direction to the City regarding recreational needs. One of the sites proposed for re-designation is currently designated Parks and Open Space. The City has consulted these documents regarding these sites and determined the following:

Irving Rd/Eagles:

This approximately 17 acre site is privately owned by the Westside Baptist Church. The owners have indicated that about 7 acres is needed for the existing and future church-related uses and they would like to make the remaining acreage available for housing. The PROS Project and Priority Plan identifies the need for a neighborhood park in this vicinity. City Parks and Open Space Division staff is coordinating with the property owner on purchasing approximately 2 acres of the site for a neighborhood park. Regardless, City parks are allowed in LDR/R-1 therefore re-designation of the entire site to LDR would not preclude a future park nor affect the City's provisions for or access to recreational areas, facilities or recreational opportunities.

To the extent Statewide Planning Goal 8 applies, the amendments are consistent.

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.*

Goal 9 requires cities to evaluate the supply and demand of commercial and industrial land relative to community economic objectives. The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the City "[p]rovide 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[.]" Among other things, the rule requires that cities complete an "Economic Opportunities Analysis." OAR 660-009-0015. Based on the Economic Opportunities Analysis, cities are to prepare

Industrial and Commercial Development Policies. OAR 660-009-0020. Finally OAR 660-009-0025 requires that cities designate industrial and commercial lands sufficient to meet short and long term needs. OAR 660-009-0010(2) provides that the detailed planning requirements imposed by OAR 660 Division 9 apply “at the time of each periodic review of the plan (ORS 197.712(3)).” 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 the corresponding Administrative Rule.

In addition, OAR 660-009-0010(4) provides that, when a city changes its plan designations of lands in excess of two acres from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, pursuant to a post acknowledgment plan amendment, it must address all applicable planning requirements and (a) demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of OAR 660 Division 9; or (b) amend its comprehensive plan to explain the proposed amendment pursuant to OAR 660 Division 9; or (c) adopt a combination of (a) and (b) consistent with the requirements of Division 9.

Although none of the re-designations sites include land that is currently designated employment, 10 acres in the Crow Rd Study Area is proposed to be re-designated to an employment designation (commercial). Therefore OAR 660-009-0010(4) is applicable to the proposed Crow Rd Study Area commercial designation and is addressed as follows:

Crow Rd Study Area:

This site includes re-designation of approximately 10 acres of land designated medium density residential to commercial. The 1992 study indicates there is a surplus of commercial land; however the 1992 study also includes the following applicable policies:

- 8.0 *Recognize the differing needs of residential areas in the various parts of the community, and determine the need to create additional commercial sites in light of opportunities for redevelopment.*
- 11.0 *Promote neighborhood-oriented commercial facilities and community commercial areas rather than additional major retail centers.*

West Eugene Subarea

- 19.0 *Consider additional commercial land in the West Eugene Subarea to accommodate both neighborhood commercial needs and those of the larger community. In siting additional commercial land, evaluate impacts on traffic patterns and surrounding land uses.*

Although these policies are not mandatory in nature, the proposed commercial re-designation is consistent with these policies as it adds commercial land to an area planned for housing but which lacks significant commercial services. Also, as discussed in the findings addressing Goal 12, which are incorporated herein by reference, the traffic analysis for the package of re-designations in the Crow Road Study Area results in fewer vehicle trips than the current designation, therefore the re-designation is consistent with Goal 12. Finally, since the 1992

study found a surplus of commercial land and this re-designation is increasing rather than decreasing the commercial land supply as found in 1992, this amendment is consistent with Goal 9.

Therefore, the amendments are consistent with Statewide Planning Goal 9.

Additionally, as part of Envision Eugene, the city's plan to establish a new Eugene-only UGB and accommodate the next 20 years of growth in our community, these amendments are necessary as part of the strategy to accommodate more of city's 20 year need inside the UGB, including all of the commercial need. The city's March 2012 Envision Eugene Recommendation draft estimates identified a deficit of commercial jobs that cannot be accommodated in Eugene's current UGB over the next 20 years without the city adopting measures to accommodate more jobs¹. The city intends to account for the expected increase in jobs as part of the Envision Eugene adoption. Re-designating a portion of the Crow Rd Study Area to commercial is part of the larger Envision Eugene re-designation plan for the Crow Rd Study Area and helps provide for daily needs near planned housing. Other land use efficiency measures to increase the capacity for jobs inside the current UGB such as re-designating/rezoning certain areas for more jobs, are also anticipated to be adopted as part of Envision Eugene.

Goal 10 - Housing.

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The Administrative Rule for Statewide Planning Goal 10 (OAR 660 Division 8) states that "the mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation." The comprehensive plan map for the city is the *Metro Plan* land use diagram. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the *Metro Plan*, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the 1999 Residential Lands Study (RLS), there is sufficient buildable residential land to meet the identified land need.

The proposed re-designation sites include land that is either currently or proposed to be residentially designated. The RLS identifies the undeveloped residential land supply (inventory) based on the designation or zoning and the size of the parcel. Some demand was also assumed to be accommodated through redevelopment and infill. Each proposed re-designation site is addressed according to RLS inventory site criteria where applicable:

Crow Rd Study Area:

This 277 acre study area is proposed to change from a plan designation of medium density residential to a mix of low density residential, medium density residential and commercial. Since only medium density residential land is proposed for re-designation, the findings only

¹ These estimates are from the March 2012 Envision Eugene Recommendation. The estimates are currently being updated and are expected to change to some extent and result in a new Buildable Lands Inventory, Housing Needs Assessment and Economic Opportunities Analysis.

address the possible impacts to the RLS medium density residential land inventory. The study area includes several parcels that could have been part of the RLS 1999 supply of medium density residential lands;

- several larger parcels in the study area were identified in the RLS as part of the medium density residential site inventory (Subarea 5, Southwest Eugene, sites 5-1 and 5-3 through 5-23), and of those, approximately 146 buildable acres of the 1999 RLS medium density residential supply are proposed for re-designation to low density residential or commercial
- although not mapped, some lots in the study area may have been part of the small parcel land supply which included all undeveloped whole tax lots or underdeveloped parcels that were zoned or designated medium density under one acre in 1992, and
- some study area lots may have met the RLS redevelopment/infill supply criteria.

The 1999 RLS identified a surplus of residential acreage of 1,862 acres (considering a low demand assumption) or of 790 acres (considering a high demand assumption). This acreage represents those lands that were designated as residential lands, beyond the acreage needed to accommodate the projected 20-year demand. The Goal 10 findings supporting the adoption of the /WQ Water Quality Overlay Zone in 2009 indicated that, since the adoption of the RLS, Eugene and Springfield had taken various actions that had decreased the amount of surplus residential acreage, resulting in a surplus as of 2009, of either 1,250.33 acres (considering a low demand assumption) or of 178.33 acres (considering a high demand assumption). Since 2009, neither Eugene nor Springfield has seen any amendments that clearly re-designated medium density residential land in the RLS inventory land to some other designation; as such there is still a surplus of medium density residential land.

Therefore, re-designation of 184 acres of medium density residential in the Crow Rd Study Area is consistent with Goal 10.

Additionally, although not adopted, the city's March 2012 Envision Eugene Recommendation and inventory estimates that there is a surplus of medium density residential land for the next 20 years. This surplus is one reason the city is proposing to re-designate medium density land to low density residential, a category in which a deficit is projected.

Gilham Rd:

This 9.6 acre site was identified in the RLS as a portion of a larger 27 acre, low density residential inventory site (Subarea 3, Willakenzie, site 3-3,) and subsequently designated medium density residential. Since it was not part of the RLS medium density residential inventory, re-designation to low density residential does not impact the RLS inventory and is consistent with Goal 10.

Irving Rd/Eagles:

This site was not identified as part of the RLS since although it was zoned R-1, it was not in vacant, agricultural or timber use; therefore this re-designation does not reduce the RLS inventory and is consistent with Goal 10.

Based on the above, the amendments are consistent with Statewide Planning Goal 10.

Additionally, as part of Envision Eugene, the city's plan to establish a new Eugene-only UGB and accommodate the next 20 years of growth in our community, these amendments are necessary as part of the strategy to accommodate more of city's 20 year need for low density residential housing (typically single-family) and all of the need for medium density residential housing (typically multi-family) inside the current UGB. The city's March 2012 Envision Eugene Recommendation draft estimates identified a deficit of low density residential units that cannot be accommodated in Eugene's current UGB over the next 20 years without the city adopting measures to accommodate more housing. The city intends to account for the expected increase in units as part of the Envision Eugene adoption. Re-designation of these sites is part of a package of Envision Eugene strategies to reduce UGB expansion for low density residential and promote denser housing types downtown, along key transit corridors and core commercial areas. Other land use efficiency measures to increase the capacity for housing inside the current UGB, such as allowing alley access lots and removing barriers to secondary dwelling units, are also anticipated to be adopted as part of Envision Eugene.

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:*
 - (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 type of development currently permitted through existing plan designation and zoning will change for the proposed re-designation and rezoning sites. As detailed in the following findings, the city proposes to impose trip caps on all of the properties that are subject to a zone change or plan designation change that would allow uses that would generate more traffic than is currently allowed on those properties. Specifically, the city proposes to impose a vehicle trip cap on the Irving Rd/Eagles site where the currently allowed uses would be expanded as a result of the plan designation change. With the proposed trip cap, traffic generated from development in each area after the plan designation change cannot exceed the amount of traffic that could be generated from these properties prior to adoption of the plan designation changes.

Crow Rd Study Area:

Plan Designation Changes

The entire Crow Rd Study Area is currently designated medium density residential. The proposal is to keep about a quarter of the study area as medium density residential and re-designate the remaining three-quarters to low density residential or commercial (see table below). To determine if the proposed designations would result in more traffic generation than the current designation, the analysis applied the reasonable worst case traffic generation scenario from the Institute of Traffic Engineers trip generation manual.

The number of PM peak hour trips projected to be generated by development allowed under the reasonable worst case scenario are as follows:

Study Area	plan designation	Existing acres ²	Proposed acres	Projected PM Peak Trips Existing MDR Designation	Projected PM Peak Trips Proposed MDR/LDR/COM Designation
Crow Road Study Area	MDR	262	90.6	3,245	3,145
	LDR		161.6		
	COM		9.6		

The analysis shows that traffic generated under the reasonable worst-case scenario development for the proposed designations will result in less traffic than the traffic generated under the current medium density residential designation; as such the proposed designation

² The acres cited in the following tables that estimate the potential vehicle trips from the re-designations exclude acres protected from development and therefore do not represent the total acres being re-designated. See the table on page 2 for the total re-designation acres.

will not result in any of the effects described in (1)(c)(A)-(B) above and no further analysis is needed.

Zone Changes

The entire Crow Road Study Area is currently zoned R-1 low density residential. The proposal is to keep about three-quarters of the study area as R-1 and rezone the acreage that is remaining designated as medium density residential to a corresponding R-2 medium density residential zone (see table).

Study Area	zone	Existing acres	Proposed acres
Crow Road	R-2		90.6
Study Area	R-1	262	171.2

OAR 660-012-0060(9) provides an exception to determining if a zone change would have a significant effect on an existing or planned transportation facility:

- (9) *Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*
- (a) *The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
 - (b) *The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
 - (c) *The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024- 020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

The proposed rezone to R-2 satisfies OAR 660-012-0060(9)(a-c) as follows. Regarding subsection (a), as discussed above, the subject properties proposed for rezoning to R-2 are designated as medium density residential on the City’s adopted comprehensive plan map. R-2 zoning is consistent with the current medium density residential comprehensive plan map designation for medium density residential uses; therefore the proposed zone change is consistent with subsection (a).

Regarding subsection (b), *TransPlan* is the City’s adopted and acknowledged Transportation System Plan (TSP). The current comprehensive plan map was in place in 2001, the year that the City Council adopted *TransPlan*. The subject properties were designated medium density residential both before and since the City Council adopted the 2001 *TransPlan*. In adopting *TransPlan*, the City Council found *TransPlan* to be consistent with the *Metro Plan* which includes the *Metro Plan* diagram. Additionally, *TransPlan* does not include anything that is inconsistent with the subject properties being zoned R-2. Because the R-2 zoning will not change (is consistent with) the properties’ comprehensive plan designation of medium density residential, and *TransPlan* is consistent with the medium density residential designation, a R-2 zone on the subject properties is consistent with the City’s acknowledged TSP, and as such is consistent with subsection (b). Consistent with subsection (c), the area was not exempted from this rule at the time of a UGB amendment.

As such, per OAR 660-012-0060(9) the proposed zone changes do not significantly affect an existing or planned transportation facility; therefore the proposed plan amendment is consistent with Goal 12.

Gilham Rd:

Gilham Rd site is proposed to change from a plan designation of medium density residential and zone of R-2/C-1 to a plan designation of low density residential and zone R-1. To determine if the proposed re-designation and zone change would result in more traffic than the current designation and zone, the analysis applied the reasonable worst case traffic generation scenario from the Institute of Traffic Engineers trip generation manual. The number of PM peak hour trips projected to be generated by development allowed under the reasonable worst case scenario are as follows:

Study Area	Projected PM Peak Trips Existing MDR Designation	Projected PM Peak Trips Proposed LDR Designation	Projected PM Peak Trips Existing R-2/C-1 Zoning	Projected PM Peak Trips Proposed R-1 Zoning
Gilham Road	120	95	240	135

The traffic analysis shows that the proposed designation and zone is a down-designation and down-zone with the reasonable worst-case scenario development resulting in the generation of less trips than would be generated under the reasonable worst-case scenario development of the existing plan designation and zone; as such the proposed designation and zone will not result in any of the effects described in (1)(c)(A)-(B) above and no further analysis is needed.

Irving Rd/Eagles:

Irving Rd/Eagles is proposed to change from a plan designation of parks and open space to a plan designation of low density residential. To determine if the proposed designation would result in more traffic than the current designation, the analysis applied the reasonable worst case traffic generation scenario from the Institute of Traffic Engineers trip generation manual.

The number of PM peak hour trips projected to be generated by development allowed under the reasonable worst case scenario are as follows:

Study Area	Projected PM Peak Trips Existing POS Designation	Projected PM Peak Trips Proposed LDR Designation
Irving Rd/Eagles	5	150

The analysis shows that the reasonable worst-case scenario development for the proposed low density residential plan designation would exceed the trips under the reasonable worst-case scenario development for the existing plan designation. As a means of eliminating the potential significant effect of the proposed plan designation on the existing and planned transportation facilities in the area, the city proposes to cap the number of trips generated

from the subject property at 92 PM peak hour trips. This trip cap is based on a detailed traffic analysis by the property owner dated April 14, 2014, which shows that the appropriate mobility standard is achieved at all traffic study area intersections if a PM peak hour trip cap of 92 is assumed. The result is that the amount of traffic projected to be generated for the subject property with the proposed plan designation is limited to the amount of traffic generated before the intersections would potentially be significantly impacted.

By imposing a trip cap of 92 on the property subject to the plan designation change, the traffic generated from the subject property after the amendments cannot exceed the point in which the performance of transportation facilities would potentially be significantly impacted. The trip cap is an enforceable, ongoing requirement that will demonstrably limit traffic generation for the subject property by preventing traffic generation beyond that which would potentially create a significant impact. The trip cap is enforceable and ongoing because it will be monitored for the areas of the amendments each time a building permit is received by the City. Until the cap is lifted, the property within the subject area can only develop with a use that generates 92 or less PM peak trips. The trip cap and the manner in which it can be modified will be recorded with the re-designation ordinance adopting the plan amendment. Thus, in accordance with OAR 660-012-0060(1)(c), the proposed trip cap can be considered when determining whether a proposed amendment will significantly affect an existing or planned transportation facility. Because imposing a trip cap of 92 prevents the proposed amendment from creating any additional traffic generation from the subject property beyond the point before the performance of transportation facilities would potentially be significantly impacted, the trip cap completely eliminates the potential significant effect of the amendment and, therefore, no additional TPR analysis is needed.

With a trip cap that prevents trip generation beyond 92 PM peak trips the proposed amendment complies with the TPR; any modification or lifting of the trip cap requires a separate demonstration of TPR compliance. Thus, prior to modifying or lifting of the trip cap, an analysis must be done to determine whether, without the trip cap or with a modified trip cap, any existing or planned transportation facilities will be significantly affected by the amendment. If the analysis shows that there is a significant effect from the amendment, the trip cap could be lifted or modified only if one or more of the mitigation measures set forth in OAR 660-012-0060(2) is adopted. This analysis and, if necessary, adoption of mitigation measures, could occur as part of the City's update to its Transportation System Plan (TSP) or could occur through a separate process. Whether done through the TSP adoption process or a separate application, the trip cap modification process will include notice and an opportunity for public participation and a demonstration of compliance with the TPR.

As such, per OAR 660-012-0060(3) the potential significant effect of the plan designation amendment on the Irving Rd/Eagles property is eliminated because the amendment includes a trip cap that is an enforceable, ongoing requirement that limits traffic generation to the point before the performance of transportation facilities would potentially be significantly impacted; therefore the proposed plan amendment is consistent with Goal 12.

Based on the above findings, the amendments and zone changes are 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. Based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

Growth Management Goals, Findings, and Policies

- 1. The UGB and sequential development shall continue to be implemented as an essential means to achieve compact urban growth. The provision of all urban services shall be concentrated inside the UGB. (Policy 1)*

As stated in the response to Statewide Goal 11 (above), the re-designations will not affect the city's ability to serve the area inside the UGB. The glossary of the *Metro Plan* defines "compact urban growth" as follows:

The filling in of vacant and underutilized lands in the UGB, as well as redevelopment inside the UGB.

Consistent with this policy, re-designation of these sites will make it easier to do housing on sites that are currently not planned for housing (Irving Rd/Eagles) inside the UGB. Additionally, underdeveloped medium density residential areas that may be more suitable for low density (Crow Rd, Gilham Rd) would be re-designated to low density residential, helping to encourage the higher density housing to redevelop around existing and planned commercial areas. The re-designations are part of a package of Envision Eugene strategies to reduce UGB expansion for low density residential and promote compact urban growth and denser housing types in downtown, along key transit corridors and in core commercial areas.

A. Residential Land Use and Housing Element

Residential Density Policies

- 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.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.*

Consistent with these policies, underdeveloped medium density residential areas that may be more suitable for low density residential (Crow Rd Study Area, Gilham Rd) would be re-designated to low density residential, helping to encourage the higher density housing to redevelop around existing and planned commercial areas, near major transportation systems and creating mixed use compact development.

Additionally, the re-designations are needed as part of a package of Envision Eugene strategies intended to promote denser housing types in downtown, along key transit corridors and in core commercial areas. With re-designation of underdeveloped medium density residential areas on the edge of the city to low density residential, the city plans to use area planning and investment programs to promote medium and high density residential housing in compact and mixed use transit corridors with appropriate transitions to single-family homes.

Housing Type and Tenure Policies

- A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location.*
- A.19 Encourage residential developments in or near downtown core areas in both cities.*

Consistent with policy A.17, the re-designations provide for a mix of housing types in the Crow Rd Study Area and provide an opportunity for more housing types on the IrvingRd/Eagles site. Consistent with policy A.19, underdeveloped medium density residential areas that may be more suitable for low density residential (Crow Rd Study Area, Gilham Rd) would be re-designated to low density residential, helping to encourage the higher density housing to redevelop around existing and planned commercial areas like downtown. Additionally, the re-designations are needed as part of a package of Envision Eugene strategies intended to promote denser housing types in downtown, along key transit corridors and in core commercial areas.

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.

Consistent with this policy direction, the re-designations include a mix of designations (low density residential, medium density residential, and commercial) in the underdeveloped Crow Rd Study Area and help to encourage higher density housing types to redevelop around existing and planned commercial areas, creating mixed use compact development.

A.30 Balance the need to provide a sufficient amount of land to accommodate affordable housing with the community's goals to maintain a compact urban form.

Affordable housing is defined in the *Metro Plan* as housing priced so that a household at or below median income pays no more than 30 percent of its total income on housing and utilities. The re-designation sites are intended to create more land for low density residential inside the current UGB with existing or planned services, by shifting some areas planned for higher density housing types to locations with existing and planned commercial areas and near major transit systems. Together, the housing strategies help to promote “20 minute neighborhoods” and mixed use compact development, which helps to reduce development and transportation costs to households consistent with this policy. In addition, the city promotes affordable housing throughout the community, through the Land Acquisition Program, housing dispersal policy, and homeowner and renter assistance programs. The city’s programs will continue to balance the needs for affordable housing and compact urban development; indeed two of the seven pillars of Envision Eugene are focused on these topics.

B. Economic Element

B.6 Increase the amount of undeveloped land zoned for light industrial and commercial uses correlating the effective supply in terms of suitability and availability with the projections of demand.

This policy is applicable to Crow Rd Study Area:

Crow Rd Study Area

As stated previously under Goal 9, the 1992 Commercial Land Study indicates there is a surplus of commercial land, and since this re-designation is increasing rather than decreasing

the commercial land supply as found in 1992, it is consistent with this policy. Additionally, the draft Envision Eugene estimates have identified a deficit of commercial jobs that cannot be accommodated in Eugene's current UGB over the next 20 years without the city adopting measures to accommodate more jobs inside the UGB.

E. Transportation Element

Land Use

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.

J. 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.

Consistent with these policies F.3, J.7 and J.8, underdeveloped medium density residential areas that may be more suitable for low density residential (Crow Rd Study Area, Gilham Rd) would be re-designated to low density residential, helping to encourage higher density housing to redevelop around existing and planned commercial areas, near major transportation systems and creating mixed use compact development. Further, as part of Envision Eugene strategies, the city is focusing area planning and investments to achieve this type of development in downtown, along key transit corridors and in core commercial areas. The re-designations are part of these strategies.

Metro Plan Amendment Conclusion

Based on the above findings, the proposed *Metro Plan* diagram amendments are consistent with EC 9.7730. Additional *Metro Plan* policies applicable to the proposed refinement plan amendments are addressed under the refinement plan approval criteria EC 9.8865(1)(b) below.

Refinement Plan Amendments (file no. RA 13-1)

The following plan diagram and text amendments are proposed:

		Current	Proposed	
Site	Refinement Plan Name	Refinement Plan Designation	change in acres	Refinement Plan Designation
Crow Rd Study Area ¹ (277 acre study area)	Willow Creek Special Area Study	MDR	174.1	LDR
			92.8 ac	<i>MDR (no change)</i>
			10.3 ac	COM
Gilham Rd ² (9.6 acres)	Willakenzie Area Plan	MDR	9.6 ac	LDR
Irving Rd/Eagles ³ (16.9 acres)	River Road-Santa Clara Urban Facilities Plan	POS	16.9 ac	LDR

¹ Includes corresponding amendments to Willow Creek Special Area Study text, land use diagram, and refinement plan policies that are in Chapter 9 of the Eugene Code. This is updated to reflect the Planning Commission's December 2013 recommendation of the proposal as modified by public testimony for one property owner.

² Includes corresponding amendments to the Willakenzie Area Plan text, land use diagram and Unincorporated Subarea diagram

³ Includes a corresponding automatic amendment to the River Road-Santa Clara Urban Facilities Plan land use diagram and Northwest Expressway Subarea diagram

Per the *Metro Plan* amendment General Provisions EC 9.7750(4), the refinement plan diagram is automatically updated consistent with the corresponding *Metro Plan* amendment when no amendment to the refinement plan or refinement plan text is involved. The following identifies which re-designation sites that if adopted, would result in an automatic update to their corresponding refinement plan land use diagram, and which re-designation sites include refinement plan text amendments and thus require further analysis under the refinement plan approval criteria EC 9.8865(1)(b).

Crow Rd Study Area:

The Willow Creek Special Area Study (Willow Creek Study) requires amendment to the land use diagram (Map E) and policy text. The following refinement plan text amendments are proposed, with ~~strike out text~~ proposed for removal and underlined text proposed for addition:

(page 6, after note 11 of the Summary and Policies section)

II. SUMMARY AND POLICIES

Envision Eugene Update

In 2008, the city began the process to establish a new Eugene-only UGB and accommodate the next 20-years for growth in our community. As part of that effort, the city identified several opportunities to re-designate land to accommodate more of the city's 20 year need inside the current UGB, which were published in the recommendation *Envision Eugene, A Community Vision for 2032 (March 14, 2012)*. Re-designating land such as portions of the 277 acre Crow Road Study Area, that are more

suitable for low density residential or Commercial rather than medium density residential allows the city to accommodate more low density residential inside the current UGB, while promoting higher density housing to redevelop in downtown and core commercial areas, and along key transit corridors, creating a more compact urban development pattern.

During 2011-2013, the city worked with property owners and residents of the Crow Road Study Area to identify an updated vision for the study area and to help with the city's 20 year land need. The city held public meetings and sent surveys and letters to gather feedback on a draft land use concept plan and potential future development standards for the area. The main themes identified were to recognize the area's rural character and promote a less urban, more country feel as the area develops in the future while also ensuring the area is adequately serviced. Standards to address these issues in the future include such topics as tree preservation, building and lot standards, home businesses, and street design, connectivity and safety.

(page 7)

A. Land Use

3. Map E reflects land-use arrangements for the Willow Creek Basin and shall become one basis for future implementation through zoning or other applicable land use measures.

The approved land use map reflects a variety of policies within this special study and other approved policy documents such as the Community Goals and Policies and the Metro Plan.

The plan diagram locations for the approximately 92.8 acres of medium density residential and 10.3 acres of commercial in the Crow Road Study Area are based on the discussions at this time. The city recognizes that in the future there may be justification for minor adjustments to the designation and zone boundaries on those properties with more than one designation. The city shall allow for consideration of minor adjustments to the plan designation and zone boundary provided the acreage of each designation and zoning district remains essentially the same, and the change is consistent with the purpose of the regulations adopted in the future for this area.

4. City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least three cases:

- a. Properties with elevation and slope and geologic conditions which fit criteria identified South Hills Study for applying PUD procedures;
- b. Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project; and

- c. ~~Properties along natural stream courses will be developed under either PUD or site review procedures depending on the scale and complexity of the project.~~

The city may remove these requirements for the Crow Road Study Area upon completion of code amendments regarding tree preservation.

(page 8)

5. The city shall explore the value of the following code amendments and develop them if determined appropriate through a collaborative effort with study area property owners and residents. The code amendments to consider could include:

- a. Allow clustered housing outright (no PUD or Cluster Subdivision application required), combined with providing a larger lot to preserve views/open space, tree preservation, or agricultural/livestock use.
- b. Allow large single-family lots, such as for those lots that are located south of the Pitchford Avenue extension or that include an identified tree preservation area.
- c. Provide tree preservation requirements that:
 - have higher standards for preserving significant oak trees or areas,
 - make it easier to remove other trees, and
 - make it easier to remove trees along the UGB if trees outside the UGB are removed
- d. Facilitate home businesses related to agriculture and livestock such as stabling and sales of farmed products, encourage small businesses to serve a neighborhood, and consider compatibility requirements for these uses.
- e. Provide residential and commercial building design requirements or guidelines that promote a less urban, country feel.
- f. Provide street design standards that create a less urban, more country feel to the street network and increase safety and circulation for all modes of travel.

(page 10)

B. Transportation

9. In the Crow Road Study Area, safety and circulation improvements at the intersection of Crow Road and W. 11th Avenue will be needed as the area develops. Transportation system level issues will be addressed by the transportation system plan according to the type of development anticipated by the comprehensive plan.

Development specific impacts will be addressed by individual developers in accordance with the city's traffic impact analysis requirements.

10. In the Crow Road Study Area, north-south and east-west collector streets will be needed to serve the area, such as extension of Pitchford Avenue and Ed Cone Blvd.

Since the Willow Creek Study text is being amended, compliance with EC 9.8865(1)(b) is addressed below.

Gilham Rd:

The Willakenzie Area Plan requires amendment to the land use diagram, the Unincorporated Subarea diagram, and text. The following text amendments are proposed, with ~~strike-out text~~ proposed for removal and underlined text proposed for addition:

(page 56, add below last paragraph)

10. Unincorporated Subarea

Envision Eugene Update

In 2008, the city began the process to establish a new Eugene-only UGB and accommodate the next 20 years for growth in our community. As part of that effort, the city identified several opportunities to re-designate land to accommodate more of the city's 20 year need inside the current UGB, which were published in the recommendation *Envision Eugene, A Community Vision for 2032 (March 14, 2012)*. Re-designating land such as the 9.6 acre property on Gilham Road (identified as map/tax lot 17-03-08-32-08600) that is more suitable for low density residential than for medium density residential allows the city to accommodate more low density residential inside the current UGB, while promoting higher density housing to redevelop in downtown and core commercial areas, and along key transit corridors, creating a more compact urban development pattern.

(pages 59-60)

Unincorporated Subarea Policies and Proposed Actions

15. The City shall recognize the area at the northwest corner of Ayres and Gilham roads and the area at the southwest corner of Coburg Road and County Farm Loop, as depicted on the Willakenzie Land Use Diagram, as appropriate for medium-density residential development and shall recognize the property identified as map/tax lot 17-03-08-32-08600 as appropriate for low-density residential development.

15.1 Amend the Metro Plan diagram from low-density to medium-density residential designation for the above-referenced area at the northwest corner of Ayres and Gilham roads and the area at the southwest corner of Coburg Road and County Farm Loop, as depicted on the Willakenzie Land Use Diagram and from medium-density to low-density for the property identified as map/ tax lot 17-03-08-32-08600.

17. The Neighborhood Commercial C-1 node, as depicted on the Willakenzie Land Use Diagram, shall front on Ayres Road and shall be separated from Gilham Road by medium-density residential development.

Since the Willakenzie Area Plan text is being amended, compliance with EC 9.8865(1)(b) is addressed below.

Irving Rd/Eagles:

No text amendments are necessary to the River Road-Santa Clara Urban Facilities Plan; therefore the land use diagram and the subarea k. Northwest Expressway diagram will be automatically updated from parks and open space to low density residential upon approval of the *Metro Plan* land use diagram amendment.

EC 9.8424 requires that refinement plan amendments meet the following approval criteria (listed in ***bold and italic***). Findings are provided below with respect to each of the applicable criteria for the Crow Rd Study Area and Gilham Road refinement plan diagram and text amendments.

- (1) ***The refinement plan amendment is consistent with all of the following:***
 - (a) ***Statewide planning goals.***
 - (b) ***Applicable provisions of the Metro Plan.***

The findings demonstrating compliance with EC 9.7730(3) above regarding compliance with the Statewide planning goals and the applicable provisions of the *Metro Plan* are incorporated herein by reference. Additional applicable *Metro Plan* policies are addressed as follows:

A. Residential Land Use and Housing Element

Design and Mixed Use Policies

- 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.*

Crow Rd Study Area:

Consistent with this policy, the proposed text amendments direct staff to further consider, and if warranted develop, development regulations that address open space (e.g. clustered housing, large lots, tree preservation) and aesthetics (e.g. building design, street standards) and other community concerns (e.g. safety and circulation improvements).

C. Environmental Resources Element

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.

Crow Rd Study Area:

Consistent with this policy, the proposed Willow Creek Study text amendments direct staff to further consider, and if warranted develop, development regulations that address open space and natural resources (e.g. clustered housing, large lots, tree preservation). The Willow Creek Study land use policy 4.c that requires properties along natural stream courses to be developed under either PUD or site review procedures is being removed because this requirement was included prior to the city's West Eugene Wetlands Plan work. This work resulted in several wetlands and streams in west Eugene being protected and adoption of the corresponding /WP Waterside Protection and /WB Wetland Protection overlay zones. Upon annexation, properties next to the stream and certain wetlands on the east side of the Crow Road Study Area will have a required building setback and be regulated by the /WP or /WB overlay standards; therefore the PUD or site review procedures specified in policy 4.c are no longer necessary.

(c) Remaining portions of the refinement plan.

Crow Rd Study Area:

The following policies from the Willow Creek Special Area Study (1983) are relevant:

3. Map E reflects land-use arrangements for the Willow Creek Basin and shall become one basis for future implementation through zoning or other applicable land use measures.

The approved land use map reflects a variety of policies within this special study and other approved policy documents such as the Community Goals and Policies and the Metro Plan.

The proposed amendments to Map E and associated text amendments to this policy are needed to reflect the change in conditions in this area as discussed in more detail under EC 9.8424(2) below, which is incorporated herein by reference.

4. City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least three cases:

- a. Properties with elevation and slope and geologic conditions which fit criteria identified South Hills Study for applying PUD procedures;*
- b. Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project; and*
- c. Properties along natural stream courses will be developed under either PUD or site review procedures depending on the scale and complexity of the project.*

Consistent with the intent of this policy requiring additional analysis for developing near natural resources, as discussed under *Metro Plan* policy C.21 above, Willow Creek Study policy 4.c is proposed for removal because this requirement was included in the study prior to the city's adoption of the Goal 5 /WP Waterside Protection and /WB Wetland Protection overlay zones which will regulate development near the study area's streams and protected wetlands. Additionally, current planned unit development (PUD) and subdivision regulations address these issues as well. As such, this requirement is no longer necessary. Additional text is proposed to be added to policy 4 to allow 4.a and 4.b requirements to be removed as well if appropriate based upon completion of revised tree preservation standards for this area in the future.

Gilham Rd:

The following policies from the Willakenzie Area Plan (1992) are relevant:

Residential Policies and Proposed Actions

1. *Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city.*
4. *Encourage a mixture of housing densities and types to address the housing needs of a diverse population.*
5. *Encourage medium and high-density residential uses in areas which have good access to commercial services, public open space, schools, parks, transit and other alternative modes of transportation.*

Although these policies do not directly address the proposed amendments or constitute mandatory approval criteria, they lend general support for the re-designation and text amendments. The intent of re-designating the Gilham Rd site is to re-designate an area that may be more suitable to low density rather than medium density residential given its distance to commercial services and being on the edge of town, while also helping to promote higher density housing downtown, along key transit areas and in core commercial area where they can be closer to existing and planned commercial and major transit systems.

Unincorporated Subarea Policies and Proposed Actions

15. *The City shall recognize the area at the northwest corner of Ayres and Gilham roads and the area at the southwest corner of Coburg Road and County Farm Loop, as depicted on the Willakenzie Land Use Diagram, as appropriate for medium-density residential development.*
 - 15.1 *Amend the Metro Plan diagram from low-density to medium-density residential designation for the above-referenced area, as depicted on the Willakenzie Land Use Diagram.*

17. *The Neighborhood Commercial C-1 node, as depicted on the Willakenzie Land Use Diagram, shall front on Ayres Road and shall be separated from Gilham Road by medium-density residential development.*

These policies are proposed to be amended as identified at the beginning of this section to recognize the Gilham Rd site as appropriate for low density residential consistent with the proposed *Metro Plan* diagram amendment to low density residential. Additionally, it is noted that there is a 3.18 acre tax lot (map and tax lot 17-03-08-33-00100 on the corner of Ayres and Gilham Roads) to the south of the Gilham Rd site that will remain designated commercial and medium density residential, consistent with these policies (as proposed to be amended).

Based on the above findings, the proposed plan diagram and text amendments for Crow Rd Study Area and Gilham Rd are consistent with and supported by the applicable provisions of these adopted plans, as amended.

- (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 Crow Rd Study Area and Gilham Rd re-designations and text amendments are not based on 2(a) an error in the publication of the Willow Creek Special Area Study or the Willakenzie Area Plan or on 2(d) new or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan; therefore EC 9.8424(2)(a) and (d) above are not applicable to this proposal.

Regarding 2(b) and 2(c), as part of Envision Eugene, the city's plan to establish a new Eugene-only UGB and accommodate the next 20 years of growth in our community, these amendments are necessary as part of the strategy to accommodate more of the city's 20 year need for low density residential housing (typically single-family) and all of the commercial need inside the current UGB. The city's draft land inventory and estimates have identified a deficit of low density residential units and commercial jobs that cannot be accommodated in Eugene's current UGB over the next 20 years without the city adopting measures to accommodate more housing and jobs inside the UGB. The city intends to account for the expected increase in units as part of the Envision Eugene adoption. Re-designation of these sites is part of a package of Envision Eugene strategies to promote denser housing types downtown, along key transit corridors and core commercial areas, reduce UGB expansion for low density residential and provide for daily needs near homes. Although these strategies and policies are not adopted yet, other land use efficiency measures to increase the capacity for housing and jobs inside the current UGB, such as allowing alley access lots and re-designating/rezoning certain areas for more jobs, are also anticipated to be adopted as part of Envision Eugene.

Regarding 2(d), a change in circumstance for Crow Rd Study Area and Gilham Rd sites that were not anticipated at the time their refinement plans were adopted are factors that helped inform the Envision Eugene strategy proposing to re-designate these sites:

Crow Rd Study Area:

In 1982, the Willow Creek Study was adopted. It anticipated significant employment centers within the basin and identified the need to address wetlands and streams in the area. In addition, the area to the north of the Crow Road Study Area and north of W. 11th Avenue was also anticipated to be developed as a major employment center. In 1989, the West Eugene Wetlands Plan (WEWP) planning process began, which resulted in adoption of the WEWP, identifying wetlands as Protect, Restore and Develop, and adopting wetland and stream protection overlay zones. A significant amount of area in the anticipated employment centers was identified as Protect or Restore wetlands and many acres have since been purchased by public agencies and non-profits for preservation or restoration. As a result, the amount of housing needed in this area to support the employment centers has lessened. Further, the city is focusing on promoting higher density housing in areas closer-in, around existing and planned commercial and major transit systems to reduce vehicle trips and help create compact urban development. Due to these changes in circumstance, re-designation of the majority of the Crow Road Study Area to low density residential with some commercial and the corresponding text amendments are proposed.

Gilham Road:

In 1992, the Willakenzie Area Plan was adopted. At that time, the area around the Gilham Rd site remained largely undeveloped. Since then, the development has resulted in predominately low density residential patterns, with even the medium density residential area to the south of Ayres Road being subdivided into smaller lots with a privacy wall running the length of the Gilham Road frontage. Additionally, the C-1 Neighborhood Commercial zoning on the Gilham Road site is located in the middle of the block with no direct access to Ayres Road. While it is possible that joint commercial development and supporting medium density residential could be achieved, current planning practice recognizes that the existing development patterns in this area may not be conducive to achieving successful (or even any) apartments or neighborhood commercial on the Gilham Road site. It is more feasible to locate higher density housing close to existing and planned commercial and major transit systems. Due to this change in circumstance, re-designation of the Gilham Rd site to low density residential and corresponding text amendments are proposed.

Refinement Plan Amendment Conclusion

Based on the above findings, compliance with the refinement plan amendment approval criteria of EC 9.8424 for the Crow Rd Study Area and Gilham Rd re-designations and text amendments is met.

Zone Change (file no. Z 13-7)

The following zone changes are proposed:

Site	Current	Proposed	
Location	Zoning	Change in acres	Zoning
Crow Rd Study Area (277 acre study area)	R-1	174.1	<i>R-1 (no change)</i>
		92.8 ac	R-2
		10.3 ac	<i>R-1 (no change)</i>
Gilham Rd (9.6 acres)	R-2 (8.6 ac)	9.6 ac	R-1
	C-1 (1.5 ac)		
Irving Rd/Eagles (16.9 acres)	R-1	16.9 ac	<i>R-1 (no change)</i>

EC 9.8865 requires that the zone change proposals meet the following approval criteria (listed in ***bold and italic***). Findings are provided below with respect to each of the applicable 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.***

Some of the policies addressed in the *Metro Plan* and refinement plan amendment findings are applicable here, and to the extent they are applicable the findings under EC 9.7730(3)(b) and EC 9.8424(1)(b) are incorporated herein by reference as demonstration of consistency with applicable *Metro Plan* policies.

- (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.***

Approval of the zone changes is dependent upon approval of the *Metro Plan* land use diagram amendments. The zone changes are consistent with the corresponding refinement plans due to an automatic update to the refinement plan diagram as allowed per EC 9.7750(4), or due to proposed refinement plan text amendments, as follows:

Crow Rd Study Area:

These zone changes are generally dependent on the Willow Creek Study diagram and text amendment or are implementing the existing refinement plan designation. Upon adoption, the zone changes will be consistent with the refinement plan, as amended.

Gilham Rd:

The zone change is dependent on the Willakenzie Area Plan diagram, subarea diagram and text amendment. Upon adoption, the zone change will be consistent with the refinement plan, as amended.

Irving Rd/Eagles:

No zone change is proposed for this site. Upon adoption of the *Metro Plan* amendment and the automatic amendment to the River Road-Santa Clara Urban Facilities Plan diagram and subarea diagram, the existing zone of R-1 will be consistent with the refinement plan.

Based on the above findings, the proposed zone changes are consistent with the applicable refinement plans, as amended.

- (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 findings of compliance with Goal 11 – Public Facilities and Services, and Goal 12 – Transportation above are incorporated herein by reference. With the findings established and referenced herein, the proposal complies with this criterion.

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

(f) EC 9.2735 Residential Zone Siting Requirements.

There are no applicable siting requirements for the R-1 or R-2 zones; therefore, this criterion does not apply.

- (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 NR zone is not requested or applicable in this instance. Therefore, the above criterion is inapplicable.

Zone Change Conclusion

Based on the above findings, compliance with the refinement plan amendment approval criteria of EC 9.8865 is met.

Land Use Code Amendments (file no. CA 13-5)

The following amendments to the Chapter 9 Land Use Code are proposed.

Crow Rd Study Area:

As discussed above under the refinement plan amendments, the Willow Creek Special Area Study (Willow Creek Study) requires amendment to the land use diagram (Map E) and policy text. Some of this text is also in the land use code and therefore requires corresponding amendments. The following code amendments are proposed, with ~~strike-out text~~ proposed for removal and underlined text proposed for addition:

9.9710 Willow Creek Special Area Study Policies.

(1) Land Use.

- (a) Map E reflects land-use arrangements for the Willow Creek Basin and shall become one basis for future implementation through zoning or other applicable land use measures.

The plan diagram locations for the approximately 82.5 acres of medium density residential and 10.2 acres of commercial in the Crow Road Study Area are based on the discussions at this time. The city recognizes that in the future there may be justification for minor adjustments to the designation and zone boundaries on those properties with more than one designation. The city shall allow for consideration of minor adjustments to the plan designation and zone boundary provided the acreage of each designation and zoning district remains within 10%, and the change is consistent with the purpose of the regulations adopted in the future for this area. (Policy 3)

- (b) The City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least three cases:
 - 1. Properties with elevation and slope, soil and geologic conditions which fit criteria identified in Eugene’s South Hills Study for applying PUD procedures;
 - 2. Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project; and
 - ~~3. Properties along natural stream courses will be developed under either PUD or site review procedures depending on the scale and complexity of the project.~~

(Policy 4)

(2) Transportation.

- (a) Through appropriate mechanisms, proposed developments shall be encouraged to respond to an overall transit, bicycle, and pedestrian system for the Willow Creek Basin. (Policy 2)
- (b) Bicycle facilities will be designed to connect with other major routes outside the Willow Creek Basin, in order to provide residents and employees with this transportation option for daily and recreational travel needs. (Policy 3)
- (c) Major employment and commercial center proposals shall plan for convenient, covered on-site bicycle parking as an integral part of a parking program. (Policy 4)
- (d) Through appropriate mechanisms, proposed developments shall be encouraged to provide adequate transit access. (Policy 5)
- (e) The City of Eugene shall work with major employers to establish and implement ongoing paratransit programs. (Policy 6)
- (f) Development proposals within the urban growth boundary shall be

reviewed to ensure adequate access to the adjacent properties within the urban reserve area. (Policy 7)

(g) A carefully planned collector street system providing access from residential, commercial, and industrial areas to arterial streets shall be developed for the Willow Creek Basin. (Policy 8)

(h) In the Crow Road Study Area, safety and circulation improvements at the intersection of Crow Road and W. 11th Avenue will be needed as the area develops. Transportation system level issues will be addressed by the transportation system plan according to the type of development anticipated by the comprehensive plan. Development-specific impacts will be addressed by individual developers in accordance with the city's traffic impact analysis requirements. (Policy 9)

(i) In the Crow Road Study Area, north-south and east-west collector streets will be needed to serve the area, such as extension of Pitchford Avenue and Ed Cone Blvd. (Policy 10)

EC 9.8065 requires that code amendments meet the following approval criteria (listed in ***bold and italic***). Findings are provided below with respect to each of the applicable criteria.

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

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

The findings demonstrating compliance with EC 9.7730(3) and EC 9.8424(1) above regarding compliance with the Statewide planning goals and the applicable provisions of the *Metro Plan* are incorporated herein by reference.

(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 code amendments do not include establishment of a special area zone, therefore this criterion is not applicable.

Code Amendments Conclusion

Based on the above findings, compliance with the code amendment approval criteria of EC 9.8065 is met.

O'DONNELL Heather M

From: Dan Edgar <erelmt@gmail.com>
Sent: Saturday, June 14, 2014 2:32 PM
To: O'DONNELL Heather M
Subject: Meeting of June 3,2014 REZONING OF RESIDENTIAL REDESIGNATION

TO WHOM IT MAY CONCERN

Thank you for giving The Edgar's the opportunity to let you know what our thoughts are in the Rezoning of Gilham road-Wester's property Tax Lot 17-03-08-32-08600.

As to the access to this property with only Sterling Wood's Dr and Quale Meadpws Way being the only two streets to get to this property. How is it going to handle Street Parking, along with Emergency Vehicles, Parcel and Garbage Services, might want to consider this as it could very well become a Huge problem. Can this Property Handle 49 Units? Rezoning Residential Redesignation is fine with the Edgar's as long as it does not affect us in any way. I am sure you are aware of the other Development going on in the area. Is Gilham Road able to handle more traffic? Is the speed zone going to change from 35 to 25 M:PH ?

Are children and parents going to be safe walking on Gilham road north of Ayres. If in deed a side walk is in order the Edgar's would propose having it only on one side of Gilham north only and that would be on the East side and it would not be of any expense to Property owners:

Just a Note: All the Delevopment that is taking place in this area the only one's that are really going to Benifit from this is the City as to Taxable revenues and Developers. The City and The County flip the bill for Improvements to the Street when the time comes an not the Property Owners.

Respectfully

The Edgar's

O'DONNELL Heather M

From: David Berg <david_berg@comcast.net>
Sent: Thursday, May 29, 2014 12:36 PM
To: *Eugene Mayor, City Council, and City Manager
Cc: O'DONNELL Heather M
Subject: Envision Eugene - Redesignation of Rest Haven
Attachments: Envision Eugene - Council.docx

Please note that the content of this message is also fully contained in the attached document.

28 May 2014

Mayor and Councilors of Eugene
125 East Eighth Avenue
Eugene, OR 97401

RE: Envision Eugene – Redesignation of Rest Haven property

Honorable Mayor and Councilors,

Thank you for the opportunity to testify on the subject of this hearing – and thank you to Planning Department Staff, particularly Heather O'Donnell and Terri Harding, for their diligence in researching this topic, including site visits to neighboring properties to appreciate a visual perspective of neighbors' issues.

While we do not oppose redesignating the unused portion of Rest Haven Cemetery to Low Density Residential, we urge you to consider the effects of developing that site on neighboring properties along Brae Burn Drive that sit below a ridge line at the bottom of a slope along the western and southern boundaries of Rest Haven.

This street map depicts the entire Rest Haven cemetery and the surrounding community.



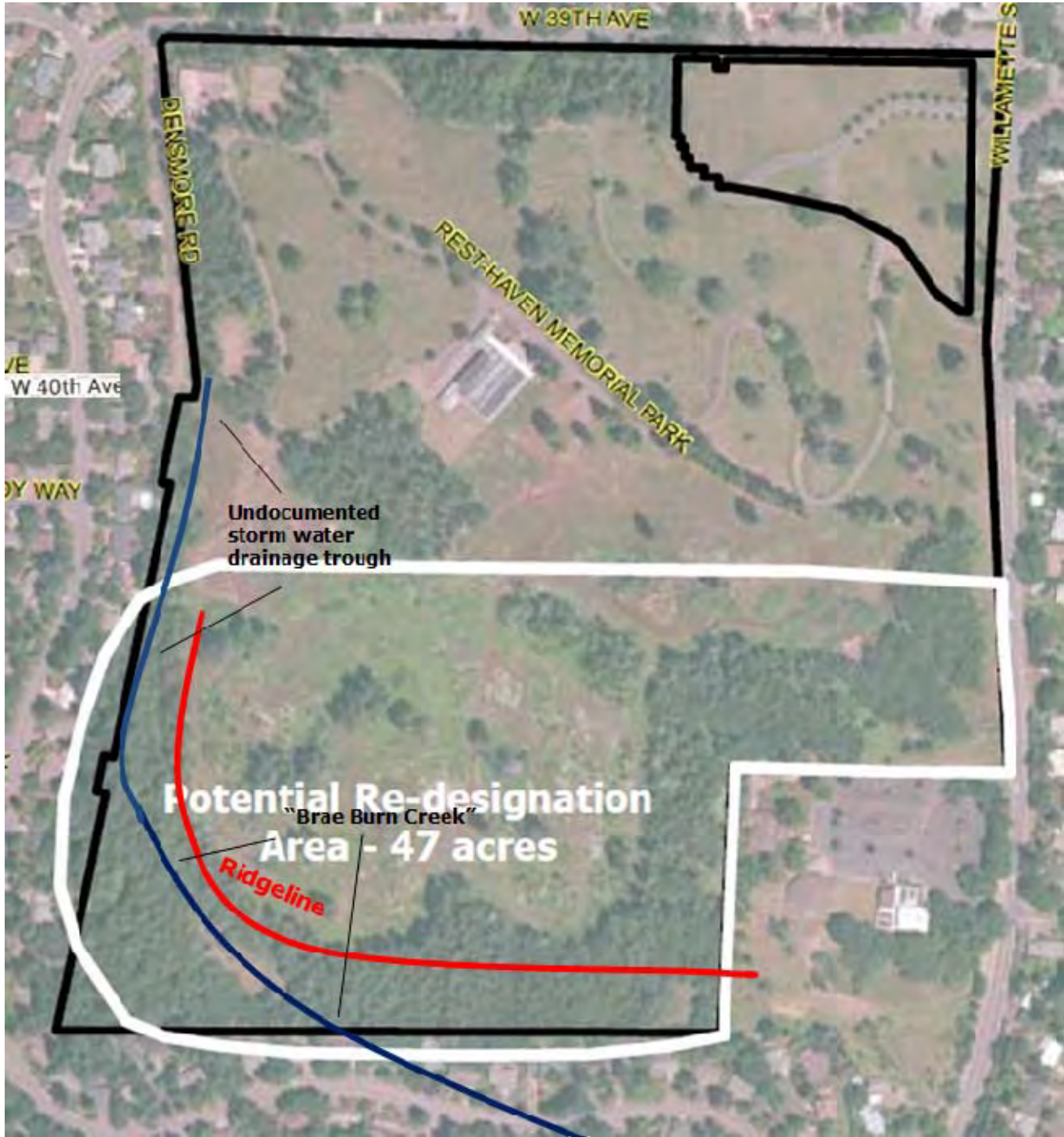
This enlargement shows the homes on Brae Burn Drive that abut the proposed area for redesignation.



Unfortunately, these street maps do not reflect the steep topography of the boundary between the Rest Haven parcel and neighboring properties; taken alone, they mislead observers to miss the issues presented by potential development along that landscape. While Condition 17 of the cemetery’s Conditional Use Permit imposes a minimum 75-foot buffer to protect homes beneath the western and southern slopes of Rest Haven from environmental damage from deforestation, we urge that this protection be written into any new legislation that redesignates this property.

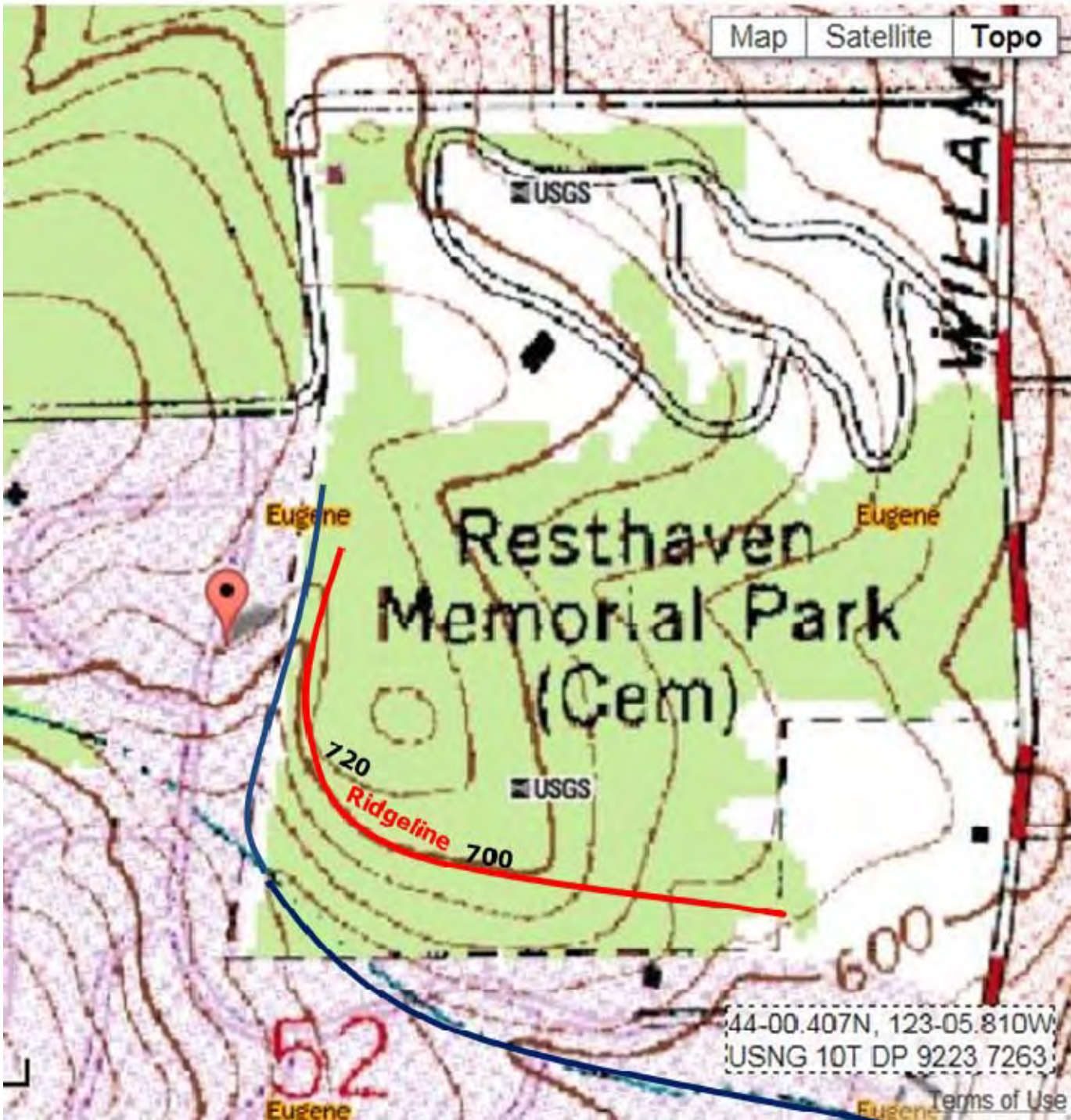
Also, while these maps illustrate the neighborhood hiking trail along so-called “Brae Burn Creek” on that boundary, they fail to illustrate the undocumented storm water drainage trough and ridge from which it drains – that I drew in – that forms the back edge of neighboring properties, flows south from 40th Avenue, and empties into “Brae Burn Creek”. This trough regularly floods towards its southern extremity during storms – even with an intact forest to attenuate drainage.

Planning Department’s satellite view of the Rest Haven parcel, showing the portion being considered for redesignation, begins to reflect that landscape.



But it isn't until you study this U.S.G.S. Topographic map – which corresponds to the above street map and satellite image – that you begin to appreciate the geography of the landscape and the gradient between Rest Haven and the adjacent properties. Each contour represents a 20-foot gradient. The dark line through the Rest

Haven property is the 700-foot contour. I drew in the undocumented drainage trough and “Brae Burn Creek” in blue and the ridge line in red.



Observe the steep gradient coming off the 720-foot ridge along the western edge and 700-foot ridge along the southern edge of Rest Haven, dropping down to the back yards of neighboring properties below on Brae Burn Drive. The gradient presents a 40 to 80-foot drop in elevation as you move south on Brae Burn along the redesignation area. As you can see in the satellite image, above, this slope is currently forested, which largely protects neighboring properties from drainage, erosion, and wind-throw that would otherwise have a damaging effect on these properties.

Planning Department staff appropriately condensed neighbors' concerns in this statement:

"Issues related to future tree removal and/or development on the Rest-Haven property include erosion, wind throw, drainage, natural resource impacts to the creek and wildlife, and visual impacts from new development ... within the buffer area."

While the horizontal distance between the top of Rest Haven's ridge and adjacent properties may be 75 feet at its narrowest, north of 40th Avenue, it deepens considerably as the ledge at the top of the slope moves southward, pretty much following the edge of the remaining forested area as shown on the satellite image. At our location, it is approximately 125 feet. It may be as much double or more that at its southern extremity – and further reinforces neighbors' expressed concerns. It also further supports aligning the development delimiter with the ridge line.

Three options for protecting the slopes from deforestation and development have been suggested by the Planning Commission:

- A Planned Development Overlay Zone to constrain development on this slope and require a public hearing prior to development (supported by three commissioners).
 - See Code sections 9.4000 and 9.4050.
 - "If [a PUD Overlay Zone] were added, a PUD application would be required prior to new development (except for any application that's already been submitted, such as the 2002 controlled income and rent CUP). The PUD process requires a neighborhood-applicant meeting prior to submitting the PUD application, and the PUD application review includes public notice to nearby properties, a Hearings Official hearing and decision, and the decision is appealable to the Planning Commission." ;
- Add a policy in the South Hills Study to prohibit development on the slope (supported by three commissioners);
- Leave the slope from the top of the ridge down to the bottom of the slope as Parks and Open Space (POS). There is precedent for this option in Laurel Hills (supported by one commissioner).

We respectfully request, therefore, that the redesignation of Rest Haven to Low-Density Residential impose a condition that the slope below the ridge line on the west and south edges of the property be not only restricted from development, but also restricted from deforestation.

Respectfully submitted,

- David & Judy

David & Judy Berg | Eugene, OR | Phone: 541.683.0904 | Mobile: 541.915.6823
4125 Brae Burn Drive
Eugene, OR 97405

David and Judith Berg

28 May 2014

Mayor and Councilors of Eugene
125 East Eighth Avenue
Eugene, OR 97401

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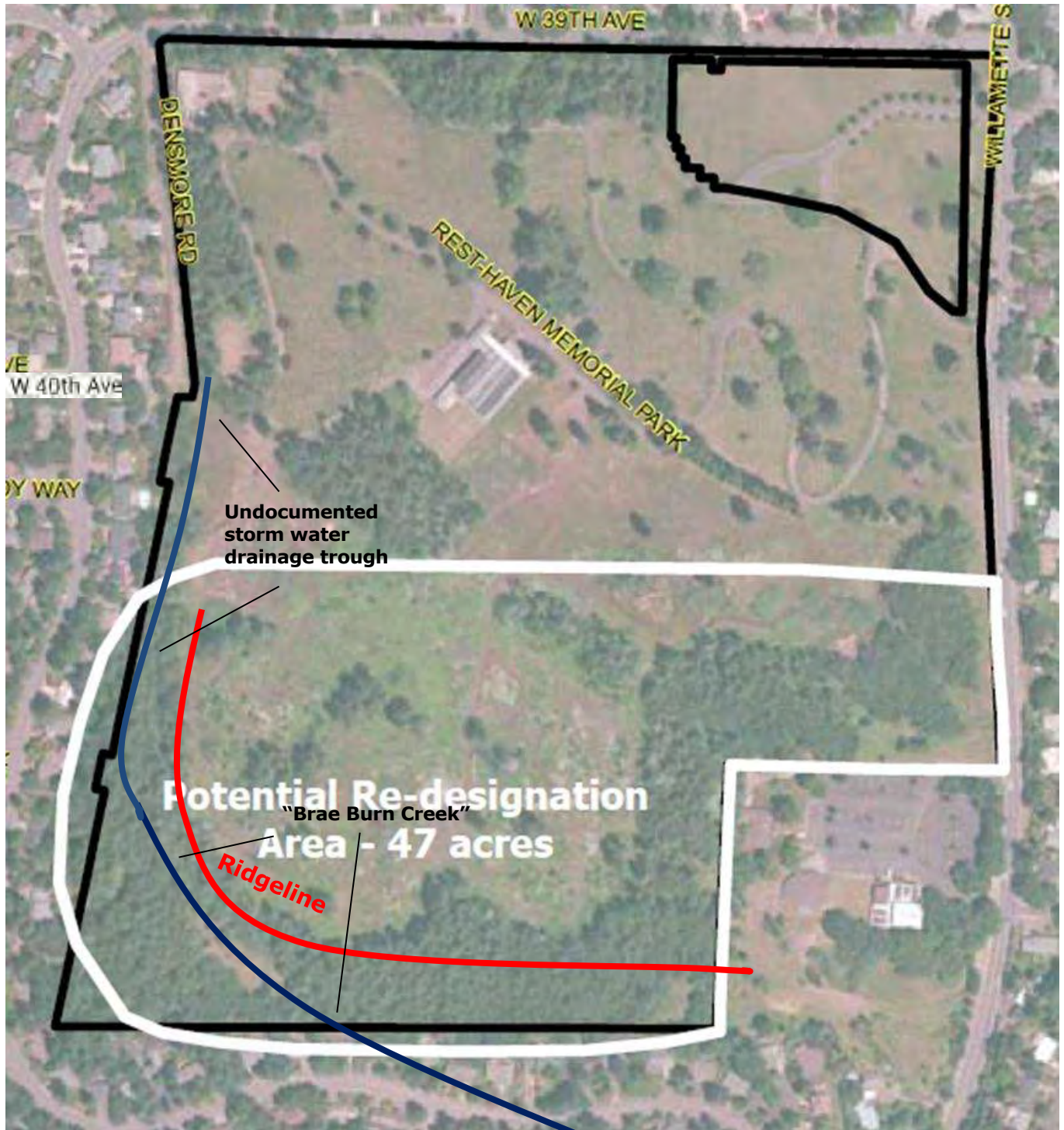
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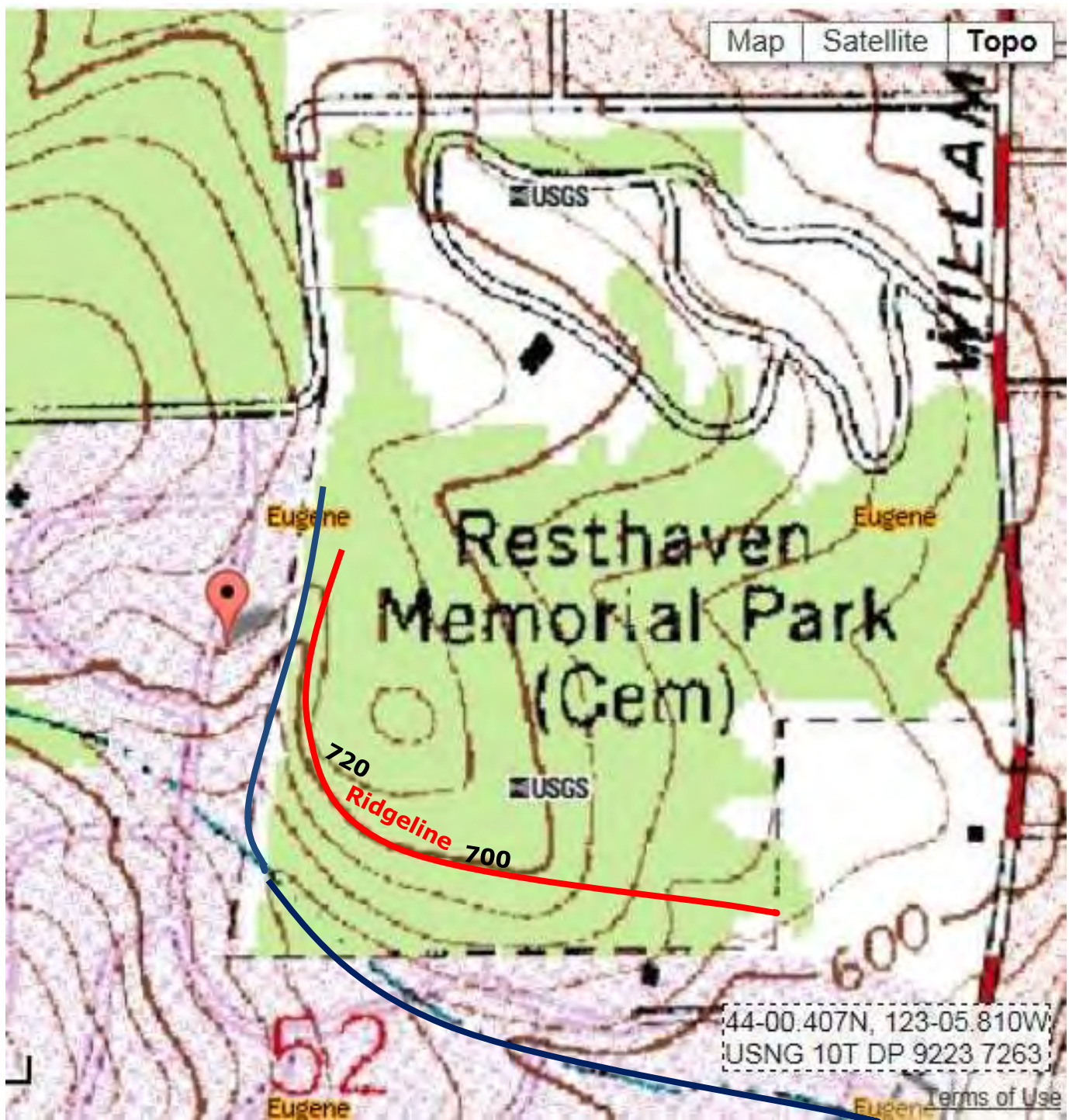
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Respectfully submitted,

David I. Berg

Judith K. Berg

O'DONNELL Heather M

From: CenturyLink Customer <healthdynamic@q.com>
Sent: Tuesday, June 03, 2014 10:36 PM
To: O'DONNELL Heather M
Subject: Atn;heather O'Donnell...proposed zoning changes toWillamette st/Rest Haven

Hello Heather, I live on 39th at the crest of the hill bordering Rest Haven and have resided there for 12 years..The traffic on 39th has been unsafe and over loaded a long has I have lived here..Many of us from time to time have contacted the city voicing our concern about this matter..People speed up and down the hill, never honoring the speed limit..also because of the lay of the land and the sun they are blinded as they ascend and there are frequent close calls ..We who live on 39th[at the location of the hill crest where the access road into the proposed addition is cannot get out of our driveways without much caution as it is now..More traffic will make this a t traffic and safety problem. The street should definitely be widened with center islands and sidewalks installed for the safety of pedestrians as well as a pedestrian crossing system as well as speed bumps.Also because of the crematorium the air quality here is compromised and you can occasionally see ashes blowing in the wind. Further there is a cell tower to be installed in this area although the status of this is pending. This new proposed changes I predict will be the straw that... will break the camels back as it is already compromised in relation to safety issues related to traffic congestion problems and air quality.Further our homes on 39th are displaying structural instability related to the heavy treeing that has already happened to the area. Thank you for our input and caring for the quality of our lives here in Eugene..Sincerely Kimberly Penn R.N.

O'DONNELL Heather M

From: dick ingram <idesign@peak.org>
Sent: Friday, June 06, 2014 11:16 AM
To: O'DONNELL Heather M
Subject: second testimony re: the Wiper property from Robyn Ingram

Testimony Regarding the Re-Zoning of Mr. Charles Wiper III's Rest Haven Cemetery Property
June 6, 2014

Although we continue in our advocacy that his property remain zoned as Parks and Open Space, we submit here a request for Parks and Open Space provisions, in case the decision is to go with an R-1 Zoning.

We request that a 250-400 foot wide buffer zone on the three pertaining sides of the property remain zoned Parks and Open Spaces, with the requirement that they be maintained as forest land. And further that the copses, as defined by the Conditional Use Permit of the 1990's, be expanded by at least 50' on all sides, and remain zoned as Parks and Open Spaces with the requirement that they be maintained as forest land.

These dimensions will give some assurance that the forest can survive, and continue its contribution to mediating climate change and to our over all sense of well being.

Trees cannot survive alone. They require a rich and diverse community of understory flora, fauna, and an ecosystem in their soils, equally diverse and complex. When the copses are too small or buffers are too tightly cut back, trees die. As they die, further flora and fauna die, and then more trees die until the entire buffer or copse is gone.

The forest clearing of Mr. Wiper's property a few years ago is a perfect case in point. The cut was designed to leave a few small copses and the buffer zone of firs and their understory family. Today, significantly less than a decade later, easily 50% of the original copses have died. (See photos).* Perhaps, the only healthy copse is a large one, on the hill top, over 700 feet in elevation, and protected by the South Hills Study, (although there is a large part of that hill top which unfortunately was clear cut). The buffer zones, although impacted, have fared better because there is a long, continuous, although narrow community of native flora, fauna and accompanying soil system.

Additionally, Mr. Wiper, in the past month, has been up-rooting and gathering into piles these stumps from the previous cut. This recent extraction is removing from the soil an essential ingredient to its health and is drying out the remaining soil ecosystem system. If not attended, the current situation will bring about desert conditions and erosion problems. Protection of the soil systems is essential to the sustenance of the copses and buffers. That is why we are asking that the broader boundaries be required.

*One might observe the same phenomenon on the Rest Haven property from Willamette Street where a few trees, out of a group of many, were left standing at the southeastern edge of the mowed area. They are all dying. Some standing dead trees and stumps remain.

Robyn Ingram
4370 Willamette Street

541-345-4764
20 year neighbor and daily walker in this woodland

O'DONNELL Heather M

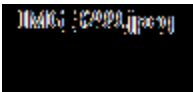
From: dick ingram <idesign@peak.org>
Sent: Friday, June 06, 2014 4:59 PM
To: O'DONNELL Heather M
Subject: wiper's woods" photos





O'DONNELL Heather M

From: dick ingram <idesign@peak.org>
Sent: Monday, June 09, 2014 9:50 AM
To: O'DONNELL Heather M
Subject: Testimony re: Re zoning Wiper's Cemetery Property





O'DONNELL Heather M

From: HORODYSKY <usmm1@comcast.net>
Sent: Tuesday, June 17, 2014 3:39 PM
To: O'DONNELL Heather M
Subject: Resthaven redesignation
Attachments: resthaven-june14.docx

Heather,
Attached are my comments re Resthaven redesignation for the City Council.
Tamara Horodysky
27 Westbrook Way
Eugene 97405

Tamara Horodysky
27 Westbrook Way
Eugene, OR 97405

June 16, 2014

Mayor and City Council
City of Eugene

Re: Rest-Haven Redesignation

I believe that Redesignation implies future plans for construction of housing on Rest-Haven cemetery property.

I strongly believe that Redesignation is therefore ill-advised, because in so many ways this is the wrong place to build any housing.

1. The entire hillside has many seasonal springs and creeks. I live in the Edgewood Townhouse Association, which is a 12 acre tract bounded by Brae Burn, Brookside, and Sunset Hills cemetery. We have many springs on our property. Many of our townhouses had to install sump pumps and or French drains to drain these springs.
2. The soil on this hillside is heavy clay which causes foundation problems. Our Association has had Ram-Jack repair several foundations and has others scheduled in future years. My daughter lives on Normandy Way, where at least 8 homes of 24 have had Ram-Jack do expensive repairs. A home at the corner of 40th and Brae burn, closest to the Resthaven property had Ram-Jack repair done last year.

As you can see from the adjoining Google Earth image, Brae Burn Drive near 40th and Normandy Way shows extensive cracking due to earth movement.

3. Drainage into Brae Burn Creek. Much of the Redesignation area would drain into Brae Burn Creek which flows through Edgewood



- Townehouse Association property. We had major expenses, shared with the City to control erosion of the creek caused by building allowed previously on the hill. The erosion continues. In heavy rains the creek is already at capacity, water reaching the top of the culvert where the creek goes below ground at Willamette Street. Additional construction upstream may lead to flooding of Willamette Street and increase erosion.
4. City Public Works staff said that traffic from any construction on Rest-Haven would not be allowed to enter Willamette Street directly, instead would enter 40th Avenue at Brae Burn. Brae Burn is a very steep street, and we experience problems with speeders on the street, who make it dangerous for children and wildlife.
 5. Undeveloped part of Rest-Haven is wildlife refuge. Although Rest-Haven cemetery logged over 1,000 trees "for cemetery expansion" not so many years ago, the area remains a haven for wildlife that would be permanently displaced (and exterminated) if construction were to take place.

Some of the creatures that call Rest-Haven home are:

Deer
Turkeys
Raccoon
Opossum
Red Shouldered hawks
Sharp-shinned hawks
Western screech owls
California quail
Pileated woodpeckers
Red-headed woodpeckers
Flicker woodpeckers
Goldfinches
Anna's hummingbirds
Rufous hummingbirds
Pine siskin
Bats
Frogs (thousands)

O'DONNELL Heather M

From: Bill Kloos <billkloos@landuseoregon.com>
Sent: Tuesday, June 17, 2014 4:41 PM
To: O'DONNELL Heather M
Cc: KLOOS Bill (SMTP); Tim Wiper (cw3@willamettepass.com)
Subject: Rest-Haven; Final Comment on Redesignation
Attachments: Ltr City 6.17.2014.pdf

Heather:

Please include the attached in the record.

Thank you.

Bill Kloos
Law Office of Bill Kloos, PC
375 W. 4th Avenue, Suite 204
Eugene, OR 97401
Phone: (541) 343-8596
Email: billkloos@landuseoregon.com
Web: www.LandUseOregon.com

Please do not read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication may contain confidential and/or privileged information intended only for the addressee. If you have received this e-mail in error, please call immediately at 541-343-8596. Also, please notify me by e-mail. Thank you.

LAW OFFICE OF BILL KLOOS PC

OREGON LAND USE LAW
375 W. 4TH AVENUE, SUITE 204
EUGENE, OR 97401
TEL: 541.343.8596
WEB: WWW.LANDUSEOREGON.COM

BILL KLOOS
BILLKLOOS@LANDUSEOREGON.COM

June 17, 2014

Eugene City Council
125 E. 8th Ave.
Eugene, OR 97401

Attn: Heather O'Donnell

Re: Envision Eugene
Residential Re-designation Ordinance
Willamette Street/Rest-Haven Cemetery

Dear Heather:

Please accept this into the record on behalf of Rest-Haven Cemetery.

You have my June 3 letter to the City council stating several issues. One of those issues is the low trip cap assigned to the cemetery property based on the current POS plan designation and R-1 zoning. My June 3 email to you included a Table showing the number of trips that should be assigned to the cemetery property, based on its zoning, and its potential to be developed with CIR housing. (The southern 15 acres is the subject of a pending CIR application; the middle 30 acres could be the subject of a CIR application.) The table suggests a trip cap using the same assumptions as the city used for number of trips generated as a function of use. A separate email from me dated June 3 responded to the City Attorney's suggestion that the existence of the CUP for a cemetery was a basis for reducing the trip cap. My email referenced the LUBA caselaw from Eugene explaining why that assumption is wrong. *Willamette Oaks, LLC v. City of Eugene*, 63 Or LUBA 75, 83 (March 8, 2011), *aff'd in part, rev'd in part*, 245 Or App 47, 261 P3d 85 (2011). It is the zoning that matters for computing the baseline trips, not any particular permit that was issued.

With this letter I would provide a bit more background on why CIR housing is allowed on the 30-acre middle part of the site that is POS/R-1. Because it is allowed by the plan and zoning, the potential number of trips needs to be assigned to that acreage, as well as to the southernmost 15 acres for which a CIR project is already pending.

The current R-1 zoning allows CIR housing. The list of permitted uses, without any limitations, includes:

Controlled Income and Rent Housing where density is above that normally permitted in the zoning yet not to exceed 150%. (Shall comply with multiple-family standards in EC 9.5500 or be approved as a PUD.)

A developer of CIR housing has the choice of proceeding either under the PUD standards or under the multiple-family standards. Thus, the latter is an option for the owner here. The multiple-family development standards do not require plan compliance. Hence, the development could proceed under the R-1 zoning. The Table we submitted by email on June 3 calculates the baseline number of trips, using the city's assumptions about trip generation. The number of baseline trips is 522, including the pending 172 units CIR project for the south 15 acres (107 trips); 390 trips for the potential CIR use on the middle 30 acres; and 25 trips for the existing park use on the northern PL-zoned part of the site.

The listing of CIR housing in the current code is carried forward from the pre-2001 version intact, with respect to the issues that are material here. Furthermore, the nature of the CIR use in the former code was the subject of considerable study by city stakeholders, including the Planning Director, Planning Commission, City Council, and City Attorney. This took place in the context of the city's approval of the Woodleaf CIR project, CU 95-7.

The former code, applied at the time of Woodleaf, is attached as Exhibit A. It shows CIR housing allowed outright in the Residential zones, either as a PUD or via a Conditional Use Permit.

Note that under the former code the alternative approval tracks were via a PUD or via a CUP. Under the new code the alternative approval tracks are via a PUD or the Multiple Family Development Standards (MFDS).

When the current code was adopted, CIR housing was carried forward as a discrete use, with only the substitution of the MFDS for the CUP standards. In the legislative history of the current code, which was adopted by Ord. No. 20224, and which was appealed to LUBA, the first mention of CIR housing was in the November 4, 1999 draft of the code. See LUBA Rec at page 6890-6891, attached as Exhibit B. The comment in the annotated draft is that the CIR housing use is being retained, using either the PUD or the MFDS.

When the Woodleaf project was making its way through the city review process, opponents alleged that the project, which was in the South Hills area, was subject to compliance with the South Hills Study and required a PUD, which would require compliance with the Metro Plan. The applicant had opted for the CUP route.

On November 14, 1995, the Planning Director determined that the SHS did not apply as a standard for the CIR. The rationale was that if that plan were applicable that requirement would be found somewhere in the code. See Planning Director Determination (Nov. 14, 1995), Exhibit C hereto. City Attorney Anne Davies made this same point to the Planning Director in a memorandum of advice dated November 10, 1995. See Exhibit D hereto. "In the Eugene Code,

City of Eugene

June 17, 2014

Page 3

where plan provisions are to be considered, they are called out specifically as criteria to be applied.”

The Woodleaf project was ultimately approved by the Planning Commission – a CIR project for 60 units on more than 4 acres of land deep in the wooded South Hills. It was approved following the CUP standards, as allowed by the code at that time. See Woodleaf decision, Exhibit E hereto. The approval was not required to follow the PUD process and standards. The approval did not apply the South Hills Study.

The subject property is similarly situated to the Woodleaf project, with the exception that it would be reviewed under the Multiple Family Development Standards, rather than the CUP standards that applied then. Because the project could be approved under the current R-1 zoning, without regard to the POS plan designation, the R-1 portion of the site should get a credit in baseline trips of the number of CIR units that would be allowed on the site under the zoning.

Thank you for your consideration.

Sincerely,

Bill Kloos

Bill Kloos

Cc: Client

Encl Exhibits A through F

	RA	R1	R2	R3	R4
Accessory buildings & Uses (Std 1)	P	P	P	P	P
Agricultural Uses					
Farm Animals (Std 2)	P				
Fowl and Rabbits (Std 2)	P	P	P	P	P
Plants (Std 3)	P	P	P		
Sales & Display Stands (Std 4).....		C			
Amateur radio antenna structure (Std 31) .	P	P	P	P	P
Ambulance Service, Private (Std 5)	C	C	C	C	C
Bed and Breakfast (Std 6)	C	C	P/C	P	P
Boarding & Rooming Houses					P
Campus Living Organizations				C	P
Churches (Std 7)	C	C	C	C	C
Clinics (Std 8)				C	P/C
Clubs, Lodges, Meeting Halls, public & private					C
Commercial, Limited Scale (Std 9)					
Accountant Offices					C
Attorney Offices					C
Barber/Beauty Shops					C
Delicatessens					C
Grocery Stores					C
Medical Offices					C
Real Estate Offices					C
Restaurants					C
Community Theaters (Std 30)	C	C	C	C	C
Day Care Facilities (Std 10)					
3-12 persons	P	P	P	P	P
13 or more persons	C	C	C	C	C
Dwellings					
Alley Access Parcels (Std 11)	P	P	P	P	P
Cluster subdivisions (Std 12)	P	P			
Controlled income & rent housing with increased density (Std 13)	P/C	P/C	P/C		
Duplexes (Std 14)	P	P	P	P	P
Fourplexes (Std 15)	P	P	P	P	P
Multi-family (Std 17)			P	P	P
Panhandle lots (Std 18)	P	P	P	P	P
Single Family Accessory Units (Std 19)	P	P			
Single family attached	P	P	P	P	P
Single family detached	P	P	P	P	P
Small lot provisions (Std 20)			P	P	P
Triplexes (Std 15)	P	P	P	P	P
Group Care Facilities					
3-5 persons	P	P	P	P	P
6 or more persons	C	C	P	P	P
Home Occupations (Std 21)	P	P	P	P	P
Hospitals (Std 22)	C	C	C		C

(q) Each parcel will have independent service unless common service is approved by the affected utility agency and is adequately covered by a city attorney approved easement recorded in the office of the Lane County Recorder establishing the rights, responsibilities and liabilities of the affected parties.

(r) Except when an alley access parcel also has street frontage, the planning director may require a city attorney approved, recorded agreement assuring private pedestrian access across the front parcel to the alley access parcel.

(s) All applicable provisions of state and local codes and regulations, including but not limited to the Eugene Code, 1971, will be observed.

(12) Cluster Subdivisions: Must conform to the standards and procedures in section 9.550.

(13) Controlled Income and Rent Housing: Increased-density CIR housing is permitted:

(a) As a planned unit development under the standards and procedures in section 9.510; or

(b) As a conditional use under the standards and procedures in section 9.724.

Where an application is processed under section 9.724, the provisions of that section are exclusive and approval under sections 9.702 and 9.510 is not required.

(14) Duplexes: When they are located in RA or R-1 districts, duplexes must conform to one of the following standards:

(a) On corner lots abutting public streets as provided for in section 9.060.

(b) On an interior lot as provided in section 9.060. Must also:

1. Be on a block face that contains a maximum of three lots; and

2. Be between corner lots already occupied by duplexes.

(c) Legally divided as provided in section 9.060.

(d) Located and developed according to all the following:

1. On lots in subdivisions containing ten or more lots that received tentative approval after January 28, 1980.

2. Maximum height of 15 feet within 20 feet of all interior property lines.

3. Parking:

a. At least two spaces per dwelling unit.

b. A maximum of four spaces in a single area.

c. Parking areas separated by at least ten feet of landscaping.

d. All parking areas landscaped as prescribed in section 9.592(c) Parking Area Improvements.

4. In any one subdivision there shall be a maximum of 25 percent duplex lots, 15 percent triplex lots, and 10 percent fourplex lots. At least 50 percent of the lots must be for single family occupancy. Fractions are reduced to the next lowest number.

(15) Fourplexes and Triplexes in RA and R-1 Districts: Must conform to standards in 9.386(14)(d) above.

Signed,
Adopted
Version!

ORDINANCE NO. 20224

AN ORDINANCE CONCERNING LAND USE REGULATIONS; REPEALING SECTIONS 2.027, 7.595, 7.600, 7.605, 7.610, AND 9.015 THROUGH 9.1195 OF THE EUGENE CODE, 1971; ADDING SECTIONS 9.0010 THROUGH 9.9710 TO THAT CODE; REPEALING ORDINANCE NOS. 18081, 18974, 19402, 19778, 19975, 19470, 19329, 19401, AND 19979; REPEALING RESOLUTION NOS. 3105 AND 3120; AFFIRMING SITE-SPECIFIC HISTORIC ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance Nos. 18081 (Downtown Westside Special Area Zone), 18974 (Fifth Avenue Special Development District), 19402 (Downtown Westside Special Area Zone), 19778 (Elmira Road Mixed Use District), 19975 (Blair Boulevard Historic Commercial Area), 19470 (Riverfront Park Special Development District), 19329 (Whiteaker MU-R District), 19401 (Whiteaker MU-R District), and 19979 (Whiteaker MU-W District), Sections 2.027, 7.595, 7.600, 7.605, 7.610, and 9.015 through 9.1195 of the Eugene Code, 1971, and Resolution Nos. 3105 (Adopting Guidelines and Procedures for Historic Landmark Area Designation) and 3120 (Establishing a Policy for Institutional Uses in the Westside Neighborhood), are hereby repealed, as of the effective date of this Ordinance.

Section 2. Nothing contained in this Ordinance affects the validity of the site-specific historic property designations established by Ordinances numbered 17474, 17475, 17510, 17511, 17597, 17736, 17737, 17764, 17765, 17766, 17804, 17805, 17828, 18204, 18326, 18371, 18469, 18527, 18549, 18561, 18656, 18657, 18659, 18717, 18905, and 19975 and by Hearings Official orders of January 4, 1996 with respect to the Campbell House, April 13, 1998 with respect to the Potter House, and March 30, 1999 with respect to the Ball House Ensemble. The provisions of the

Eugene Code, 1971 in effect at the time each Ordinance or order was adopted or issued shall continue to apply with respect to the standards applicable to the properties covered by those ordinances or orders. Any changes to any of these designations shall be processed in accordance with the provisions of Chapter 9 of the Eugene Code, 1971 being adopted by this Ordinance.

Section 3. Sections 9.0010 through 9.9710 are hereby added to the Eugene Code, 1971, to provide:

Commentary

Hospitals, Clinics, and other Medical Treatment Facilities. Changed to regulate according to the size of the facility and likely external impacts consistent with adopted neighborhood plans.

Residential Treatment Center. Code changed to add new use with proposed definition.

Motor Vehicle Related Uses

Parking Garages. Code changed to remove allowance of parking garages in the residential zones unless provided as an accessory use to a primary use on the development site. A residential apartment complex, for example, could include structured parking for residents.

Transit, Neighborhood Improvement. New use.

Transit Park & Ride, Major and Minor. Code changed to permit park and ride lots in R-1, R-3 and R-4 when in a shared parking arrangement with another use of the development site. Code does allow park and ride lots in R-4 through the CUP process.

Transit Station, Major and Minor. Code changed to clarify the permit requirements for transit stations and the difference between these uses and park & ride lots.

Office Uses/Personal Services

No uses are listed within this category. Instead, C-1 uses are listed under the heading "Other Commercial Services" with the intent to still provide ways to provide small-scale employment opportunities and services for residents.

Religious Services

Churches, Synagogues, and Temples. Code changed to allow as permitted uses with an approved site review plan in the high-density residential zones. These uses would still require a CUP in the low- and medium-density zones.

Residential

Dwellings. Draft code clarifies the different types of dwellings and how they are regulated.

One-Family Dwellings. Code clarifies that dwellings may be located on the property line.

Secondary Dwelling. Code changed to allow both attached and detached secondary dwellings in R-1. (Current code refers to these dwellings as "accessory" units.

Rowhouse. Code adds new dwelling type- rowhouse and allows these dwellings in all zones provided that garages or carports are provided at the rear of the lot.

Duplex. Code changed so duplexes conform to the standards in 9.2741(3) when located in an R-1 zone; there are no special standards for duplexes in R-2, R-3, and R-4 zones.

Multiple-Family. In the medium- and high-density residential zones multiple-family dwellings area no longer subject to an approved site review plan (unless there is an /SR overlay zone on the property) but instead need to meet multi-family development standards.

Controlled Income and Rent Housing. Code retains existing allowance for increased residential densities to be permitted for low-income housing projects through compliance with the multi-family standards (including any adjustments through the adjustment review process) or through the PUD process.

Assisted Living & Day Care. Assisted living is a new term being defined in the code. Such facilities would be permitted outright when serving 5 or fewer people and are allowed through the CUP process when serving more than 5. Existing code provisions for day care facilities would be retained. **Note: The draft code does not propose that assisted living or day care facilities must meet residential density requirements.**

Rooms for Rent Situation. Draft code continues to permit boarding and rooming housing in R-4 but is changed to also allow through the CUP process in R-3 consistent with campus living

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
Transit Park and Ride, Major or Minor, Only when Shared Parking Arrangement with Other Permitted Use	P			P	P
Transit Park and Ride, Major or Minor					C
Transit Station, Major				C	C
Transit Station, Minor			R	P	P
Religious Services					
Churches, Synagogues, and Temples, including associated residential structures for religious personnel.	C		C	SR	SR
Residential					
Dwellings. (All dwellings shall meet minimum and maximum density requirements in accordance with EC 9.2750(2) Residential Density Per Net Acre. All dwelling types are permitted if approved through the Planned Unit Development process.)					
One-Family Dwelling (1 Per Lot)	P		P	P	P
Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling on Same Lot)	P (2)				
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot.)	P	P (3)	P	P	P
Duplex (Two-Family Attached on Same Lot)	P (4)		P	P	P
Tri-plex (Three-Family Attached on Same Lot) See EC 9.5500	P (5)		P	P	P
Four-plex (Four-Family Attached on Same Lot) See EC 9.5500	P (6)		P	P	P
Multiple-Family (Five or More Dwellings on Same Lot, See EC 9.5500.	PUD		S or PUD	S or PUD	S or PUD
Manufactured Home Park. Shall comply with EC 9.5400 or site review.	S or SR		S or SR		
Controlled Income and Rent Housing where density is above that normally permitted in the zoning yet not to exceed 150%. (Shall comply with multiple-family standards in EC 9.5500 or be approved as a PUD.)	S or PUD		S or PUD	S or PUD	
Assisted Living & Day Care (Residences Providing Special Services, Treatment or Supervision)					
Assisted Living (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)	P		P	P	P
Assisted Living (6 or more people living in facility)	C		C	C	C
Day Care (3 to 12 people served) (See EC 9.5200.)	S		S	S	S
Day Care (13 or more people served)	C		C	C	C
Rooms for Rent Situations					
Boarding and Rooming House				C	P
Campus Living Organizations, including Fraternities and Sororities				C	P
Single Room Occupancy (SRO)				C	C
University and College Dormitories				P	P
Utilities and Communication					
Amateur Radio Antenna Structure (See EC 9.5050.)	S		S	S	S



Planning
& Development
Planning

November 14, 1995

City of Eugene
99 West 10th Avenue, Suite 240
Eugene, Oregon 97401
(541) 687-5481
(541) 687-5572 FAX

David J. Pedersen
P.O. Box 10543
Eugene, OR 97440

SUBJECT: Woodleaf Village

Dear Dave,

This letter is in response to your letter of October 19, 1995 requesting a determination that the Woodleaf Village project need not be subject to PUD or site review requirements. You cite the South Hills Study as the basis for making that determination. For the following reasons, that determination is not required.

First, the criteria in EC 9.724 do not require or authorize that the CIR/CUP application be measured against the Metro Plan or against the policies or provisions of any other plan. In the Eugene Code, where plan provisions are to be considered, they are called out specifically as criteria to be applied. For example, one of the criteria for approval of conditional use permit under EC 9.702 provides: "The proposed development will be consistent with applicable adopted neighborhood refinement plans, special area studies, and functional plans." EC 9.702(c). Here, the criteria do not mention applicable plans or policies and, therefore, the policies of the South Hills Study do not apply.

Second, the application under consideration is for a conditional use permit pursuant to the controlled income and rent (CIR) criteria of EC 9.724. When an application is made under these provisions, the criteria set forth in EC 9.724 are the sole applicable criteria. EC 9.386(13) provides:

"Increased-density CIR housing is permitted:

- (a) As a planned unit development under the standards and procedures in section 9.510; or
- (b) As a conditional use under the standards and procedures in section 9.724.

Where an application is processed under section 9.724, the provisions of that section are exclusive and approval under sections 9.702 and 9.510 is not required."

The language in that subsection providing that the criteria in EC 9.724 are exclusive was added specifically to clarify that the criteria in EC 9.724 are the sole criteria to be applied in processing an application under that provision of the code. The application at issue is being

EXHIBIT C

processed as a conditional use under the criteria in EC 9.724. Because the criteria of that section are exclusive, neither the policies of the South Hills Study nor PUD or site review criteria apply.

For both of the foregoing reasons, the provisions of the South Hills Study do not apply to this application. Because the South Hills Study does not apply, the determination you have requested is not necessary or appropriate here.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan Childs".

Jan W. Childs
Planning Director

cc: Al Johnson
Jean Tate
Doug DuPriest

**CITY OF EUGENE
INTER-DEPARTMENTAL MEMORANDUM
CITY ATTORNEY - CIVIL DEPARTMENT**

To: Planning Commission

Date: December 28, 1995

Subject: Woodleaf Appeal

The Planning Commission has before it an appeal of a letter of the planning director. That letter, a copy of which is attached hereto, was issued in response to a request for a determination that site review and PUD criteria do not apply to the Woodleaf controlled income and rent housing proposal. The planning director explained in her response why she was not required to issue such a determination. Although this office and the planning staff believe that the appeal is improper, the Planning Commission has jurisdiction to determine its own jurisdiction. Therefore, it is for the Planning Commission, not the planning director, to decide whether the appeal is properly before it and whether it has authority to consider it. For the following reasons, the Planning Commission lacks jurisdiction over this appeal, and the appeal should be dismissed.

Background

Metropolitan Affordable Housing Corporation is currently seeking approval of a CIR/CUP permit under EC 9.724. In the context of that permit application, the applicant requested a determination from the planning director that the proposed project would not be subject to PUD and site review criteria. The South Hills Study states:

"That all major developments (developments in excess of minor partitions) occurring on property above an elevation of 701' shall be reviewed by the planning director to determine if standard procedures, site review procedures, or PUD procedures should be required. . . The decision of the planning director shall be appealable to the Planning Commission and thence to the City Council:"

The planning director did not make that determination because the South Hills Study does not apply to the subject application. Accordingly, the determination in the South Hills Study is unnecessary.

Discussion

In determining its jurisdiction over this appeal, the Planning Commission must decide whether the planning director made a determination under the South Hills Study that is appealable under the language quoted above.

The beginning point of any analysis for processing a CIR/CUP application is section 9.724 of the Eugene Code. Those criteria are the exclusive criteria, and they do not call out

EXHIBIT D

compliance with applicable plans. See EC 9.386(13). The language in EC 9.386(13) providing that the EC 9.724 criteria are exclusive was added specifically to clarify that the EC 9.724 criteria are the sole criteria to be applied in processing an application under that provision of the code. The findings accompanying the code changes that added the 9.724 language support this reading. Those findings provide: "it is hereby determined that the standards and procedures adopted as part of this ordinance fully implement all applicable plans and adopted policies."

Appellants argue that the planning director's conclusion that the South Hills Study does not apply was in error because code provisions implement plan provisions, not the reverse. Appellants are correct that the code implements the plan. Appellants are incorrect, however, that the code language of EC 9.724 is inconsistent with the plan. Nowhere do appellants indicate where or how the code language conflicts with the plan. The findings that were adopted in revising the CIR/CUP code language clearly show that the code criteria "fully implement all applicable plan and adopted policies." Accordingly, the criteria do not require a further finding of consistency with applicable plans and policies. If appellants disagreed with the policy choice not to require compliance with the South Hills Study, their time for appealing it was when the code was amended.

Appellants also argue that the director's decision that the South Hills Study does not apply fails to give meaning to EC 9.259. They argue that, where possible, all sections of the code must be given meaning. That code provision provides:

"The development of land within the city shall be accomplished in accordance with Planned Unit Development regulation, Site Review procedure, or Conditional Use Permit procedure whenever required by the provisions of the General Plan and refinement thereof, development map or any other applicable plan adopted by the city." EC 9.259.

The planning director's letter does give meaning to EC 9.259. This section of the code requires that certain procedures be followed "whenever required" by applicable plans. The provision is triggered only where a plan requiring Site Review, CUP or PUD procedures is applicable to the particular application. Here, the South Hills Study does not apply. Appellant's interpretation that this section requires that the South Hills Study be considered for the subject application would completely override EC 9.724 (providing that CIR/CUP criteria are exclusive) and render that section meaningless. The planning director's explanation gives meaning to all sections of the code.

Because the South Hills Study does not apply to this CIR/CUP application, there is no basis for the planning director determination called for in the plan. The planning director, in fact, made no determination pursuant to the South Hills Study. Accordingly, there is no such determination to appeal to the Planning Commission. Furthermore, the Planning Commission's review authority is limited to those instances in which the code authorizes review by it. It is questionable whether a land use plan can authorize such a review beyond the language of the

Planning Commission
December 28, 1995
Page 3

code. In any event, neither the code nor the plan authorizes Planning Commission review of the planning director's explanation that she will not make the requested determination.

Conclusion

The Planning Commission has not been delegated the authority to review this appeal, and it should be dismissed.

**HARRANG LONG GARY RUDNICK P.C. -
CITY ATTORNEYS**

Anne C. Davies

Anne C. Davies

ACD/gb
gb\acdcity\woodl-pc.op

April 15, 1996

FINAL ORDER, FINDINGS AND CONCLUSIONS OF THE EUGENE PLANNING COMMISSION

Subject: Woodleaf Village (File # CU 95-7)

FINDINGS OF THE EUGENE PLANNING COMMISSION UPHOLDING THE APPEAL AND OVERTURNING THE EUGENE HEARINGS OFFICIAL'S DENIAL OF A CONDITIONAL USE PERMIT APPLICATION

I. Introduction

On November 29, 1995, the Eugene Hearings Official held a public hearing to consider an application for a conditional use permit to allow increased density for a controlled income and rent housing project in an RA Suburban Residential zoning district. The project, known as Woodleaf Village, would include construction of 60 units on approximately 5.90 acres (for a total net density of 13.72 units per acre). The site is located on the east side of Fox Hollow Road, between Donald Street and West Amazon Drive. At the November 29, 1995 public hearing, a request was made to continue the public hearing to a date certain. On December 13, 1995, the Hearings Official continued the public hearing on the conditional use permit application for Woodleaf Village. At the December 13, 1995 public hearing, a request was made by the opponents of the project to leave the written record open for 7 days. This request was granted and the Hearings Official granted the applicant the subsequent 7 days to respond to the additional written testimony received. The record on the conditional use permit for Woodleaf Village closed on December 27, 1995.

On January 11, 1996, the Eugene Hearings Official issued findings denying the conditional use permit for Woodleaf Village. On January 22, 1996, an appeal of the Hearings Official's decision was filed by the applicant. The appeal was based on the record, which includes the Planning Division staff report and recommendation, the applicant's submittal, the Hearings Official's minutes and findings, oral and written testimony received before or at the Hearings Official's public hearings on the item (11/29/95 and 12/13/95), and written testimony received up to the close of the record on December 27, 1995. On March 5, 1996, the Eugene Planning Commission held a hearing to consider the appeal. The appeal challenged the Hearings Official's denial of this conditional use permit (CU 95-7) which was based on a negative finding under Section 9.724(2)(c) of the Eugene Code. The Planning Commission determined

that Section 9.724(2)(c) of the Eugene Code is ambiguous and requires review of the legislative history behind its adoption which the Commission found supported the request. Based on this determination, the Planning Commission approved the appeal, overturning the Hearings Official's denial of the request. This document constitutes the findings of the Eugene Planning Commission approving the conditional use permit for Woodleaf Village.

II. Findings of Fact

The subject property is owned by Village Limited Partnership, of which the applicant, Metro Affordable Housing, is a general partner and authorized agent for purposes of this proceeding. The subject site is 5.90 acres in size and is currently vacant. The site has approximately 625 feet of frontage along Fox Hollow Road. A tributary of the Amazon Creek drainage traverses the property in a general north-south direction and there are three identified wetland areas on the property. The site elevations extend from approximately 826 feet in the southwest corner of the property to approximately 726 feet in the northern portion of the site. The site has a mixed forest throughout comprised of oaks, maples, cedar, Oregon ash, Douglas fir and ponderosa pine. The oaks on the site are reported to be in decline and the ponderosa pine, Douglas fir and Oregon ash are becoming more predominant. The southern portion of the property contains some of the largest and healthiest trees on the property.

The site is zoned RA Suburban Residential District as is property to the southwest, south, east and immediately to the north. Tax Lots 3200 and 3300 further to the north are zoned C-2 General Commercial District and developed with a residential care facility for the elderly. Tax Lot 4701, across Fox Hollow Road from the site, is zoned R-1 Low-Density Residential District and developed with Forest Village Apartments. Tax Lot 100 to the south of the site is the site of a new single-family home presently under construction. Immediately east of Tax Lot 100 and south of the subject property is a presently developing 9 lot subdivision known as Spencer Park. Tax Lot 900, to the north of the site, is vacant and Tax Lot 1400 to the southeast of the site is 4.78 acres in size and developed with a single-family residence. Tax Lots 702, 703, and 800 also abut the subject property along the north and east boundaries and are developed with single-family residences.

Public facilities and services are available to serve the site including, but not limited to, storm and sanitary sewer service, water and electric service, gas, phone, police and fire protection, public streets, public transit service, and public schools. The full range of urban facilities and services are available to the site. Fox Hollow Road is paved but is not currently improved to City standards. Lane Transit District provides frequent bus service through the intersection of Fox Hollow Road and Donald Street which is a short distance from the site.

The project as designed leaves approximately 1.93 acres unaffected by construction. These areas include natural areas around much of the periphery of the site which includes some large

coniferous and deciduous trees which will remain and trees in natural area in the 50 foot riparian zone along the creek drainage basin running north and south through the site. On both the east and north sides of the site, only one dwelling is within close proximity to the property line.

The application calls for a construction of 60 units to be developed on the site. This involves 30 duplexes with a mixture of 48 two-bedroom and 12 three-bedroom duplexes. Parking is provided at the rate of one space per unit and bicycle parking will be provided under covered porches for all housing units. A community building and outdoor playground/play area will be constructed in the center of the development site. Access will be from Fox Hollow Road to a public street (to be known as Woodleaf Lane) that will loop around the interior of the site.

III. Density Analysis

The maximum density permitted in the RA zoning district is 10 units per acre but, pursuant to E.C. 9.724, this density may be increased for controlled income and rent housing if the criteria of E.C. 9.724 are satisfied. The section allows an increase of up to 75% of the allowable density for an R-2 development under those circumstances.

Section 9.546 of the Eugene Code requires that the density be calculated as "net density". That term is defined at E.C. 9.546(3) as follows:

"'Net density' is the number of dwelling units per acre of land in actual residential use including areas considered part of the residential use, such as common open space and other areas which are for the exclusive use of the residents in the development. For purposes of calculating net density, the acreage of land considered part of the residential use shall exclude dedicated roads, parks, and public facilities. The acreage may also exclude natural resource areas, at the discretion of the developer. As used herein, a natural resource area is defined as the area within the mapped boundaries of any locally inventoried wetland, pond, stream, channel, river, lake, or upland wildlife habitat area."

The Planning Commission finds that the area to be excluded in computing the excluded acreage for dedicated right-of-way totals 1.53 acres. This is the right-of-way dedicated for the public street to be developed on the property. The Planning Commission interprets the term "dedicated" to be those roads, parks, and public facilities that are in public ownership by virtue of having been granted to the city in fee by the previous owner. It is acknowledged that the applicant intends to convey a drainage easement to the City extending to 25 feet on either side of the existing ditch or creek on the property for not only drainage purposes but as a

riparian protection zone. Considering the language of the net density definition set forth above, this area should not be excluded from the area upon which density is figured as it will remain part of the common open space for use of residents of the development and will not be "dedicated" to the public. The applicant has chosen not to exclude any acreage for the natural resource areas on the site as is the applicant's option under the ordinance.

The result is a proposed total of 60 units on 4.37 acres which results in a net density for the project of 13.72 units per acre. This is within the allowed density increase for controlled income and rent housing which would allow up to 15 units per acre. It is noted that there remains the possibility that the net density may be slightly less if the standards for public streets are reduced prior to development on the site.

IV. Evaluation

The Eugene Code Section 9.724(2), requires that applications for conditional use permits for increased density in controlled income and rent housing projects (CIR projects) be consistent with the following criteria for approval.

Section 9.724(2)(a): Public facilities and services are available to the site. If the public services and facilities are not currently available, an affirmative finding may be made if the evidence indicates that they will be available prior to need by reason of:

1. **Prior commitment of public funds or planning by the appropriate agencies, or**
2. **A commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development.**
3. **Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development.**

As stated above, a full range of urban facilities and services are available to serve this site. This site is within the corporate limits of the City of Eugene, therefore, has the full range of urban facilities and services. Questions were raised concerning the adequacy of Fox Hollow Road and access to Fox Hollow Road. The issue of adequacy was specifically and intentionally removed by the City Council in March 1995 when they revised the code language as it pertains to review of controlled income and rent housing projects. The public facility of Fox Hollow Road is "available" immediately adjacent to the property and access to the intersection at Donald Street and Fox Hollow Road is available. The applicant shall be required to construct a temporary asphalt path along the east side of Fox Hollow Road which extends from the new sidewalk to be constructed along Woodleaf Lane to the intersection of

Fox Hollow and Donald Street. The applicant shall also be required to submit an Irrevocable Petition for improvements for future improvements to Fox Hollow Road, to include paving, storm sewers, sanitary sewers, sidewalks and street lights. Even without the required temporary path (as noted above), the facility of Fox Hollow Road is available to the property. The fact that there is further study to be done concerning how stormwater is to be addressed has not changed the availability of public facilities to contain stormwater. Those facilities are available.

Section 9.724(2)(b): The proposed project is designed to:

1. Avoid unnecessary removal of attractive natural vegetation;

The meaning of "unnecessary" must be considered in the context of the ordinance. The applicant submitted a standard dictionary definition of "necessary". Perhaps more instructive is the definition from Black's Law Dictionary, 4th Edition, which states:

"This word must be considered in the connection in which it is used, as it is a word susceptible of various meanings. It may import absolute physical necessity or inevitability, or it may import that which is only convenient, useful, appropriate, suitable, proper, or conducive to the end sought. It is an adjective expressing degrees, and may express mere convenience or that which is indispensable or an absolute physical necessity. It may mean something which in the accomplishment of a given object cannot be dispensed with, or it may mean something reasonably useful and proper, and of greater or lesser benefit or convenience, and its force and meaning must be determined with relation to the particular object sought. Kay County Excise Board v. Atchisson, T. & S.F.R.Co., 185 Okl. 327, 91 P2d. 1087, 1088."

Given the intent and direction of the council to facilitate the construction of controlled income and rent housing, and the fact that this term is found in the criteria for approval for an increase in density, leads to a conclusion that an element of necessary destruction of vegetation is that which must be lost to accommodate the increased density. The maximum allowable density under the ordinance must be presumed and vegetation lost to accommodate that maximum density is necessarily lost.

Some existing vegetation on the site will be preserved through creation of on-site "natural areas" that will remain primarily undisturbed during and after construction. These areas are along either side of Amazon Creek drainage, along the northern property boundary, along the eastern property boundary, and along the southeastern property boundary. It is a fact of development, however, that the site must accommodate the housing units, common areas and dedicated streets. If a site has vegetation throughout, as this one does, it will be necessary to

remove a substantial portion of that vegetation in order to accommodate a controlled income and rent housing project.

The Planning Commission interprets "attractive natural vegetation" to include all the trees and virtually all the natural vegetation on the site save possibly dead or dying trees and blackberries, if any. It is contended that lost under the development plan will be some of the larger, healthier trees on the site which are located in the southern portion of the site. The criterion does not specify that the healthiest or most significant vegetation be prioritized. What is required is the avoidance of unnecessary removal of "attractive natural vegetation." The development plan proposed by the applicant does not unnecessarily remove attractive natural vegetation in areas under the site plan where vegetation can be preserved. A review of the site plan indicates that nearly all the trees in those areas that will not be covered by the development will be preserved.

The studies show that one plant, the wayside aster, may exist on this site but its presence cannot be determined until this summer. A condition has been imposed to require its preservation in areas of the site that will not contain development, and its transplanting if possible. That is the extent of what is required by the criterion.

It is noted that opponents are concerned with the fact that the Dames and Moore Engineering Report recommends that the area of the site to be developed should have native soils totally scraped from the areas on which roads, sidewalks and dwellings are proposed to be constructed in order to deal with the high shrink/swell potential of the soils on this site. They contend that this would result in 100% removal of the native vegetation on 80% of the site. The Planning Commission finds that to be necessary removal of whatever attractive vegetation might be in those areas. The plan represents the minimum City Code requirements for access road widths, sidewalks, easements, buildings, and building setbacks. To the extent that those items require destruction of attractive natural vegetation, it is necessary.

The Planning Commission finds that the proposed project is designed to avoid unnecessary removal of attractive vegetation.

2. Provide setbacks or screening as necessary when possible and practical to ensure privacy to adjacent outdoor living areas; and

The above criterion and the City Council did not promise much in the way of absolute protection from impacts of an abutting development of a controlled income and rent housing project. In short, the criterion requires the developer to "do the best you can do under the circumstances". No absolute level of effectiveness of setback or screening reducing impact on adjacent property is required or assured by the criterion. Once again, if one looks to the legislation, there can be no doubt that this minimal showing on the part of the developer is exactly what the City wished to accomplish by adopting the standards of E.C. 9.724.

In order to accommodate the other elements including streets, sidewalks, dwellings and common areas, the buildings must be relatively close to the property lines. The smallest setback, that exists, and in only a few locations, is a minimum of 10 feet from the interior property lines. The Eugene Code requires a minimum of 5 feet setback from interior property lines. The Planning Commission finds that given the public right-of-way dedication and sidewalk setbacks required and the dwellings to be accommodated, as well as natural areas and wetland areas to be accommodated, the setbacks afforded here by this development from adjacent areas are what are possible and practical. They allow sufficient area that the applicant can plant new conifers and deciduous trees along the southern property edge and that a 6 foot wooden fence can be constructed along the south, east and portions of the north property line. The natural areas will also assist in screening for adjacent outdoor living areas, particularly on the east and north perimeters of the property. The setbacks and screening that is practical and possible is provided by the development plan.

3. Provide safe and usable parking, circulation, and outdoor living areas as well as ingress and egress.

Access to the development site will be provided from Fox Hollow Road. The internal circulation for the development is provided by a new public loop street known as Woodleaf Lane. Parking is provided at each dwelling unit which will render the parking usable. Circulation on the loop street, built to public street standards, will be safe.

A community center with an outdoor playground and play area is centrally located on the site so that it will be safe and usable. There will also be a natural area/open space provided on-site adjacent to the creek drainage to provide an outdoor area removed from traffic. The common areas and facilities are of a size such that they will be usable for residents of the development.

Section 9.724(2)(c): The increase in density at the proposed location will not result in a block group in which family-occupied units in subsidized housing house 20 percent or more of the total number of families within that block group; or a block group in which more than 50 percent of all families residing within that block group have incomes at 50 percent of median income or below, as shown on Figure 32.

The subject property is located within Block Group 900 of the 1980 Census Tract 11. This census tract appears on Figure 32 of the Eugene Code and is the southernmost census tract. This tract is bordered on the north by the Bonneville Power Administration (BPA) power line easement that traverses the south hills, just north of Spencer Butte. The above criterion was added to the Eugene Code (as written above) in March 1995 by City Council adoption of Ordinance No. 20001. The purpose of the criterion was to ensure that CIR projects are dispersed throughout the City rather than concentrated in certain areas. Under the provision,

new CIR projects cannot be located in an area that already has a high concentration of low income housing.

In his original findings denying this conditional use permit application, the Hearings Official states in terms of the statutory construction of the code language it is not ambiguous and calls for an evaluation of the effect of the proposed CIR project on the relevant block group. In reversing the Hearings Official's decision, the Planning Commission finds that Section 9.724(2)(c) is ambiguous and requires review of legislative history to clarify its intent.

The March 1995 code changes in the CIR provisions (as noted above) were designed, in part, to eliminate approval criteria that are not clear and objective. The changes intended specifically to reduce the chance of appeal like those which had, in the past, caused delays that had successfully stopped construction of low income projects. Figure 32, referenced in the code and attached as an exhibit to the adopting ordinance, shows the census tracts and block groups established by the 1980 Census Bureau. Figure 32 depicts non-priority areas for new subsidized housing. The reference to Figure 32 clarifies the code language preceding it. The Figure offers a clear and objective visual aid depicting the result of the methodology set forth in the text. The map is intended to be the sole determinant of whether the increase in density allowed by a CIR conditional use permit would be permissible within a particular block group.

Review of legislative history supports the above reading of the code and makes it clear that Figure 32 is the controlling factor in determining which areas are "bad" areas (areas that are already concentrated with subsidized housing and identified as non-priority areas on Figure 32). A city staff memorandum submitted to the Planning Commission during the review of the March 1995 code changes explained them as follows:

"The new locational standards from the Housing Policy Dispersal Plan have been changed to one standard that references the map from that plan. That map graphically shows the 'bad' block groups, and corresponds to those standards. This will make it easier for staff and the public to know what this criterion really means, i.e., CIR with increased density will not be allowed in 'bad' block areas as shown on the map which will be a figure in Chapter 9 of the City Code."

In addition, the following is information included in an Agenda Item Summary packet sent to the City Council by City staff on the March 1995 amendments:

"The remaining policies [of the Housing Dispersal Policy Plan] have been combined and references an attached map (see Ordinance, Figure 32). **These policies basically require that CIR housing projects not be located in a block group which is already concentrated with low-income housing. The map shows those areas as 'non-priority areas'.**" (emphasis added)

The legislative history on the March 1995 amendments which created the existing code language under Section 9.724(2)(c) makes clear that areas that are already concentrated with low-income housing are areas where CIR projects are not allowed. It also makes clear that Figure 32 is the only and final word on where those concentrations occur throughout the City and conversely, where new CIR projects are prohibited.

The Woodleaf Village site is not shown as a "non-priority area for new subsidized housing" on Figure 32. In short, a simple comparison of the location of the proposed project to the clear and objective standard embodied in the adopted map of non-priority areas shows conclusively that the proposal complies with the above criterion. The mathematical calculation and methodology for locating new subsidized housing projects is embodied in Figure 32. As further noted by the Planning Commission in their public hearing on the appeal on March 5, 1996, it would present an absurd and/or unreasonable requirement for the applicant to present information as to the total number family-occupied units which currently exist in subsidized housing within a particular block group. The Planning Commission finds that the City should avoid an interpretation that requires an absurd and/or unreasonable result. This is consistent with the above finding that the sole determinant on this criterion is an evaluation based on Figure 32. The subject property is not shown as a non-priority area on Figure 32 and therefore, Section 9.724(2)(c) is satisfied.

V. Conclusion

A conditional use permit is granted to allow increased density for a controlled income and rent housing project in an RA Suburban Residential zoning district. This approval is to allow construction of 60 units on 5.90 acres. The approval is subject to the following conditions:

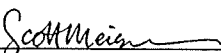
1. The applicant shall submit a revised final site plan which reflects the following specifications:
 - a. The front yard setback for the community center shall be a minimum a 10 feet from the property line.
 - b. Except for common walls between duplexes, the minimum setback between buildings shall be 6 feet.
 - c. Location of buildings shall comply with the solar access provisions of the Eugene Code Section 9.535.
2. The applicant shall submit an Irrevocable Petition for future improvements to Fox Hollow Road, to include paving, storm sewers, sanitary sewers, sidewalks and street lights.

3. The applicant shall build a temporary asphalt path along the east side of Fox Hollow Road which extends from the new sidewalk to be constructed along Woodleaf Lane to the intersection of Fox Hollow Road and Donald Street.
4. With regard to the access point for the "Emergency Vehicle Access Drive" off Woodleaf Lane, the applicant shall not design a curbcut into the street design of Woodleaf Lane, rather shall provide an all-weather surface that extends to the curblineline. The sidewalk in this section will require construction at a greater thickness (7-inches) than the standard 4-inches in order to accommodate the weight of emergency vehicles.
5. Sanitary sewers will be public. The applicant shall submit an engineering and construction agreement and, either a bond for the public improvements if designed privately, or submit a petition for improvements for the City Engineer's approval.
6. In developing the public and internal roads serving this development, the applicant shall submit an engineering and construction agreement and either a bond for the public improvements, if designed privately, or submit a petition for improvements for the City Engineer's approval. Additional street drainage will be public and must be approved by the City Engineer. The width of the paved public road and sidewalk surface shall not be enlarged but may be reduced at the option of the applicant within the right-of-way corridor shown on the site plan approved herein to the extent allowed by future modifications to currently applicable standards for public roads.
7. Obtain an access easement from the neighboring property to the south to access the sanitary sewer if the sanitary sewer is to be privately engineered.
8. Submit a stormwater drainage study including detailed plans and calculations for the detention ponds, existing runoff and calculated runoff, at build out.
9. The applicant is encouraged to work with the adjoining property owner to extend the sanitary sewer to Fox Hollow Road at this time, or submit an irrevocable petition for extension of the sanitary sewer.
10. The on-site ditch shall be conveyed to the City as a 50-foot wide drainage easement as well as a riparian protection zone.
11. The applicant shall be required to replant the southern edge of the site to create a new buffer zone for this edge of the property. This plan should include some large native trees (such as Douglas fir, western red cedar, ponderosa pine, and/or Oregon ash). These trees shall be planted at a minimum of 2-inch to 6-inch caliper size.
12. A tree preservation plan shall be required. This plan shall be prepared by an

International Society of Arboriculture certified arborist, or City-approved equivalent, and submitted for approval to the Urban Forester and Planning Division. The plan shall include the condition of the trees identified for preservation, methods of protection for the trees during construction, remedial care to compensate for the negative impacts of construction, and a restoration planting of trees to compensate for tree loss due to necessary removals.

13. All trees that are to be preserved in and adjacent to any public utility easements must be left in a stable and safe condition. Any pruning of roots 2-inches or greater or work around the drip line needs to be supervised by a certified arborist or equivalent. The project's certified arborist shall provide a written analysis of the trees' condition to the Urban Forester assuring the trees to be preserved are left in a safe and stable condition.
14. Due to the proposed loss of tree canopy as a result of the development, the applicant shall be required to plant street trees along Woodleaf Lane. These street trees shall be planted in accordance with Urban Forestry standards and specifications. A final street tree plan shall be submitted and approved by the Urban Forester and the Planning Division. Street trees shall be installed and established for a three-year period by the developer.
15. The applicant shall provide a minimum 75% site-obscuring perimeter fence around the project to ensure the privacy of adjacent property owners' outdoor living areas. This fencing shall be made of wood and be a minimum of 6 feet in height. This shall be noted on the final plans.
16. The applicant shall conduct the survey for wayside aster in the summer of 1996 as contemplated by the Salix Report of October, 1995. Areas containing such plants shall be preserved unless they must be disturbed to complete the site plan approved here. If the wayside aster or other rare plants are present the arrangements contemplated by the report shall be made to transplant the plants.

The foregoing decision and findings are adopted as a Final Order of the Eugene Planning Commission this 15th day of April, 1996.



Scott Meisner, President
Eugene Planning Commission

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