



# Envision Eugene

January 23, 2015 UPDATE

## UGB Recommendation Jobs, Parks & Schools

### Legend

- UGB Expansion Preliminary Recommendations (Blue dashed line)
- Urban Growth Boundary (Blue solid line)
- Freeway (Thick black dashed line)
- Major Road (Black arrow)
- Railroad (Black hatched line)
- Water Bodies / Rivers (Blue shaded area)
- Existing Multi-Family Areas (Yellow shaded area)
- Existing Single-Family Areas (Light yellow shaded area)
- Other Commercial Areas (Pink shaded area)
- Existing Industrial Areas (Purple shaded area)
- Key Institutions (Grey shaded area)
- Farms and Fields (Light green shaded area)
- Hills and Forest (Dark green shaded area)
- Existing Parks & Open Space (Green shaded area)

0 miles 1 mile NORTH

[www.EnvisionEugene.org](http://www.EnvisionEugene.org)

• Map is not tax lot specific and is for illustrative purposes only.

• This map shows uncompleted planned park and open space projects listed in the *Parks, Recreation and Open Space Project and Priority Plan (2006)*. Implementation of these projects will be dependent on future funding for aquisition, design, construction, and on-going maintenance, as well as future policy direction.

• This map updates the March 14, 2012 map found at [www.envisioneugene.org](http://www.envisioneugene.org)

# Preliminary UGB Recommendation

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## Summary of Public Input

Public input has been solicited in a variety of ways since presenting the Preliminary Recommendation to Council on December 10, 2014. Input opportunities primarily included an on-line survey (summary attached), email, in-person meetings with staff, a Community Open House on January 13<sup>th</sup> 2015, and a City Council Public Forum on January 20<sup>th</sup> 2015. Comments are grouped below by topic area, with additional staff information for each.

### 1. Jobs, Parks, and Schools

#### General Planning and Employment Assumptions

- Impacts to Farmland: The Clear Lake area is a mixture of soil classifications, comprised largely of Class 2 soils with bands of hydric soil running throughout and isolated pockets of Class 1 soils. Local landowners currently grow grass seed varieties and occasionally graze sheep in the area. The Economic Opportunities Analysis (EOA) identified development site characteristics necessary for development and use by Eugene's targeted industries that cannot fit inside the existing Urban Growth Boundary. These include flat land in pieces larger than 10 acres that is outside the floodplain and has good transportation access. When lands abutting the UGB are reviewed through this filter, the Clear Lake Area is the only study area that meets all of the requirements.

#### Clear Lake Area

- Importance of Clear Lake Overlay (/CL) to address Environmental Justice (EJ) concerns: Throughout 2014, Planning staff worked to address the concerns previously expressed by Council and community members. In addition to a report covering best practices from other jurisdictions, two focus groups were convened to vet the UGB expansion proposal and discuss land development code, zoning and non-regulatory tools available to mitigate potential impacts. Included in the focus groups were members of Beyond Toxics, the Active Bethel Citizens board, the city's Planning, Sustainability, and Human Rights Commissions, and city councilors and county commissioners for the area. Representatives of other governmental agencies, such as Lane County Public Health and LRAPA, also participated. Their input helped formulate the recommendation to go beyond existing zoning controls and create a site specific overlay to mitigate potential impacts. While the focus group provided general direction, a subcommittee of Planning and Sustainability Commissioners is assisting in the technical writing of the overlay. That group will reconvene after receiving

Council direction and resume work crafting an overlay that ensures the desired outcomes are realized in the Clear Lake area.

- Clear Lake Overlay (/CL) to retain Large Lot portfolio: The /CL overlay will also be used to preserve the large lot sizes that the Economic Opportunities Analysis recognized were lacking and needed to meet demand. There are abundant smaller lots available inside the within the current UGB for industrial and employment development. The UGB expansion is based on the need to provide larger lots; therefore, the City must prevent subdivisions into smaller parcels. Staff and the subcommittee are exploring means to maintain the needed portfolio of 11 sites greater than 10 acres while preserving needed site design and development flexibility.

#### Santa Clara Community Park

- Community wide parks system: There has been general public support for the park expansion, and an acknowledgement that the Santa Clara neighborhood would benefit from more recreational amenities. In addition to addressing an inequity by overcoming this service gap in our parks system, the new park has additional benefit by being co-located with the Madison Middle School, a 4J school with which the City maintains cooperative agreements to provide recreational services.

## 2. Housing

- Housing Mix: The topic of housing mix was addressed by Council in June of 2012, resulting in a decision to assume a future housing mix of 55% single family and 45% multi-family for new homes. Public comment has been submitted on both sides of this issue, with some people arguing for a higher percentage of multi-family homes, and others suggesting sticking with the 55/45 split. Staff has updated the mix calculations with new data for 2009 through 2014, and will bring this forward to council as part of the discussions on housing need. The Technical Resource Group is continuing to review the updated building trend information, as well.
- Bloomberg/McVay Area: Concerns were raised about the potential impacts on traffic, wetlands, creeks, the Willamette River, and other natural resources, high infrastructure costs, and impacts on the quality of life for residents. Support was noted for focusing attention on the Lane Community College area a logical place for future growth given its location and development and the opportunity to enhance parks and open space and trail connections, and concern about infrastructure costs.
- Bailey Hill/Gimpl Hill Area: Concerns were raised about high infrastructure costs, potential impacts on wetlands, slopes, creeks and other natural resources, the lack of transit service and the inability to create a complete neighborhood in the area.
- Urban Reserves: Concerns were raised that housing needs may not be adequately addressed by the current proposal. Suggestions were made that future housing needs should be addressed more comprehensively through an urban reserve planning based on a 50-year population forecast. Urban reserves may be adopted following the adoption of a

20-year land supply. An official 50-year population forecast will be available between March and June of 2015.

### **3. Other Sites for Consideration**

Three sites were suggested for inclusion within the urban growth boundary (the Willow Creek Hills/DAG Trust property, Eugene Sand and Gravel property, and 30th Avenue/LCC area property). The attached memo from Emily Jerome provides an explanation of why the December staff recommendation did not include an expansion of the UGB to include these lands.

### **4. Community Vision**

Parks and Open Space: In addition to the specific UGB expansions for parks, the goals articulated in the Rivers to Ridges parks vision are advanced in multiple ways; these include preserving the agricultural green belt north of Santa Clara, avoiding development impacts that could preclude Willamette Greenway extensions, limiting the size of expansions adjacent to the Ridgeline trail system, and enabling easier southeastern trail connections between the ridgeline and existing recreational facilities on the Coast Fork of the Willamette River. These aspects of the proposed expansions and the potential improvements noted here will all be further analyzed in the upcoming Parks, Recreation, and Open Space master plan update, as well as through area-specific master planning for all areas in which expansion occurs.

Sustainability: Some comments addressed the need for regional planning and coordination with the County, Lane Community College, and Springfield. The goals of preserving environmental quality and social equity while striving for economic opportunity were mentioned by individuals and advocacy groups alike. A potential benefit of development in the LCC basin is the planned EmX service to the area, although infrastructure upgrades to I-5 and utility extensions would be costly to serve the area. Bringing jobs and services to Bethel, and parks to Bethel and Santa Clara, were mentioned as social equity benefits. Concern was mentioned that we strive to preserve the best agricultural soil and minimize impacts to wetland resources.



**Date:** January 22, 2015

**To:** Mayor Piercy and City Council

**From:** Emily Jerome, Assistant City Attorney

**Subject:** Response to Testimony Concerning Eugene Sand and Gravel Land, DAG Trust Land, and Land South of 30<sup>th</sup> Avenue

A new law requires Eugene's new Urban Growth Boundary (UGB) to separate Eugene from Springfield and to provide sufficient residential land for Eugene's 20-year population. The City Council has directed staff to propose a UGB location that also complies with other laws requiring Eugene to provide sufficient employment, park and school land for 20-years (through 2032).

The City Council will soon be asked to identify a proposed UGB location to be considered in a formal public hearing process in the coming months. In December, the City Manager presented the staff's preliminary recommendation for the proposed UGB location. As a result of heightened public interest generated by the proposal, staff is reviewing an influx of new information to determine its impact on the potential UGB expansion.

Participants in your January 20<sup>th</sup> hearing asserted that three areas should be added to the UGB, instead of (or in addition to) land identified in staff's December recommendation. This memo provides you with a basic explanation of why the December staff recommendation did not include an expansion of the UGB to include: (1) land owned by Eugene Sand and Gravel on the west side of Delta Highway; (2) land owned by DAG Trust north of Willow Creek Road; and (3) land located south of 30<sup>th</sup> Avenue and west of Lane Community College (LCC).

### **Background**

When a city determines there is a need to expand its UGB, Oregon law dictates the way the city must determine which land to add and what factors to consider. City staff's December recommendation is the result of intensive study and analysis, consistent with state law. To address the need for more single-family housing and industrial land, Eugene staff studied every parcel of land located within ½ mile of the current UGB and further out to consider every parcel within the Metro Plan Boundary. The study began by sorting those parcels into one of the four UGB "priority" categories as required by state law. Simply put, those priorities are:

- 1<sup>st</sup> Priority -- Parcels designated as "Urban Reserve" land
- 2<sup>nd</sup> Priority -- Parcels designated as "Exception" or "Non-Resource" land
- 3<sup>rd</sup> Priority -- Parcels designated as "Marginal" land
- 4<sup>th</sup> Priority -- Parcels designated as "Agriculture" or "Forest" land

For each of its land needs (i.e. single-family homes, large industrial sites), a city must first evaluate its highest priority land for inclusion in the UGB. Eugene has no first priority “Urban Reserve” land. In Eugene, if there is enough suitable second-priority land to meet an identified land need, the City must choose only from those second-priority parcels. If not, the City must include all suitable second-priority land in its UGB and then consider the addition of third-priority land to address the remaining need. If still more land is needed, the City may then consider fourth-priority land. When there is enough suitable higher-priority land, the City may not consider a lower-priority land for inclusion in the UGB, even if the lower-priority land is more desirable or has a willing property owner. State laws do allow a limited, incidental addition of lower-priority (e.g. Agriculture or Forest) land when that land is needed to maximize the efficiency of including or providing services to higher priority lands.<sup>1</sup>

Second-priority “Exception” or “Non-resource” land is typically rural residential land, rural industrial, rural commercial or government/education land. There is more than enough acreage of suitable second-priority land around Eugene to accommodate any unmet need for single-family homes. Therefore, consistent with state laws, staff did not conduct further study of third or fourth-priority parcels for housing construction. Instead, staff comparatively evaluated the second-priority parcels against the State’s criteria to determine which ones are most favorable for inclusion in the UGB for single-family homes. For Eugene’s industrial land need, however, suitable parcels could only be found on fourth-priority land. Therefore, staff comparatively evaluated the suitable fourth priority parcels to address industrial land needs.

### **Eugene Sand & Gravel**

Bill Kloos, on behalf of Eugene Sand and Gravel (“ESG”), asserts that staff’s recommendation should have included an expansion to add 150 acres of ESG’s land to the UGB. The ESG land at issue was included in Eugene’s UGB study area. When ESG presented its request to city staff nearly a year ago, planning, parks and legal staff gave it substantial consideration. Although there are appealing aspects of the request, staff determined that the City cannot add the ESG land to the UGB at this time. This is because all but 3.3 acres of the ESG land at issue is designated by the County as “Sand and Gravel.” Although ESG asserts that it is done mining on the rest of the 150-acres (mostly a quarry pond), ESG has not yet applied to Lane County to seek a redesignation of that land to an Exception or Nonresource designation. Unless/until the County approves such a redesignation, the City must treat that acreage as it is designated: a protected sand and gravel resource. The City cannot consider the ESG land as high-priority land for a UGB expansion until it is redesignated.

A 3.3-acre parcel of ESG’s land is designated as Rural Industrial Exception land, making *that* portion of ESG’s land a high priority for the City’s UGB consideration. However, it is not

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<sup>1</sup> This is the basis for staff’s proposal to include approximately 95 acres of fourth-priority land as the minimum needed to connect the second-priority land near Bloomberg Road (that is well suited for single-family homes) to the current UGB.

suitable to meet the City's needs. The 3.3-acre parcel is too small to meet Eugene's need for large industrial sites. It would be a very small area of single-family homes surrounded by heavy industrial uses and is ill-suited for residential use at this time.

The City has engaged Mr. Kloos in discussions regarding ESG's intentions to pursue a County redesignation and a mining reclamation plan with DOGAMI (Oregon Department of Geology and Mineral Industries). ESG's intentions are unclear at this point. In the future, if ESG pursues these actions and receives a change in its County land designation, Eugene may consider the land for a future UGB amendment, or the land may be included in an Urban Reserve designation.

### **DAG Trust Land**

Several professionals testified on behalf of the DAG Trust, asserting that staff's recommendation should have included an expansion to add 207 acres of Forest land owned by the Trust. That land is north of Willow Creek Road in West Eugene. In its oral and written testimony, DAG Trust asserts that its land should be added to the UGB to accommodate single family homes. The DAG Trust land at issue was included in Eugene's UGB study area and, at the City Council's request, staff gave it substantial consideration. Ultimately, staff found that the City should not add the 207 acres of DAG Trust Forest land to the UGB.

As stated above, there is enough second-priority land around Eugene to accommodate any need for more single-family homes. Therefore, that second-priority land is "what's on the menu" for a single-family UGB expansion. Eugene could only include fourth-priority Forest land in a single-family home UGB expansion as a secondary effect, necessary to enable the City to most efficiently add the suitable second-priority land to its UGB. To add DAG Trust's fourth priority Forest land to Eugene's UGB, Eugene would first need to determine that it needs the *second-priority land* in the Willow Creek area, then Eugene would have to demonstrate that the "maximum efficiency of land uses" within Eugene's UGB requires the inclusion of the DAG Trust land "to include or to provide services to" the second-priority land. DAG Trust's testimony asserts that, with the addition of its 207 acres of fourth priority Forest land, it would make sense for the City to bring in the second-priority land in the Willow Creek area. That approach to the UGB analysis is inconsistent with State law; it puts the cart before the horse.

Staff found that the second-priority land in the Willow Creek study area is inferior to the second-priority land in the Bailey Hill/Gimpl Hill and Bloomberg/McVay areas and, so, did not recommend including the Willow Creek second-priority land to the UGB. Therefore, staff's recommendation did not include the addition of any fourth-priority Forest land in the Willow Creek area, either.

Even if the City Council decides to add the second-priority land in Willow Creek, local service providers and City staff do not agree that DAG Trust's 207 acres of Forest land would also be needed. Staff do not believe that "maximum efficiency of land uses" within Eugene's

UGB would require the inclusion of the DAG Trust land “to include or to provide services to” Willow Creek’s second-priority land.<sup>2</sup>

As part of its examination of the second-priority land in the Willow Creek study area, staff consulted with service providers to determine whether / which fourth priority land would be required “in order to include or to provide services to” the Willow Creek second-priority land. Water and sewer service providers informed the City that those services would be logically provided by extending service lines along Willow Creek Road, and possibly south of Willow Creek Road. Therefore, even if the City Council determines that the Willow Creek second-priority land should be included in the UGB, a minimal amount of forest land along that route may be needed as an incidental addition to the UGB, but *not the 207 acres of DAG forest land located north of Willow Creek Road.*<sup>3</sup>

### **Land South and Southwest of LCC**

At the January 20 hearing, Teresa Bishow testified in favor of adding to the City’s UGB “LCC and adjacent large parcels” south and southwest of LCC. Most, if not all, of that land is owned by Arlie & Company. Ms. Bishow suggested that the City add this land to allow for LCC expansion and industrial, commercial and residential uses affiliated with LCC’s operation.

City staff did consider the land south and southwest of LCC’s property. That land is all designated as fourth-priority Forest land. As explained above, there is enough second-priority land around Eugene to accommodate any need for more single-family homes. Therefore, Eugene could only include fourth-priority Forest land in a single-family UGB expansion as a secondary effect, necessary to enable the City to most efficiently add the suitable second-priority land to its UGB for single-family homes. No Forest land south of 30<sup>th</sup> Avenue is needed to “to include or to provide services to” second-priority land. For that reason, City staff did not have a basis to recommend the inclusion of the Forest and described by Ms. Bishow for single-family homes.

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<sup>2</sup> Staff’s position is consistent with a 2005 opinion issued by the Oregon Court of Appeals regarding Portland Metro’s UGB expansion. Metro identified a group of second-priority parcels near its UGB as the most favorable second-priority area to include in its UGB. Metro also included some adjacent fourth-priority land for several reasons, including to enable Metro to install the most efficient sewer, water delivery and transportation systems to the second-priority land. Opponents asserted that Metro should have included less fourth-priority land since Metro could provide those services via a different route (that crossed over less Agricultural land). Metro’s findings showed that, although there were other possible routes, the inclusion of more fourth-priority land was needed “to provide services in a way that maximizes the efficiency of land use in adjacent [priority two] areas.” The State agency and Court of Appeals upheld Metro’s decision on that basis. *City of West Linn v. LCDC*, 201 Or App 410 (2005).

<sup>3</sup> The City cannot, as DAG Trust suggests, simply add fourth priority land in the area to make services less costly. DAG Trust bases its service cost estimates on the inclusion of its 207 acres of Forest Land. This is inconsistent with the way service costs are calculated for the other areas.



For a number of reasons, staff found that the Clear Lake Study Area better meets the City's need for industrial land. The Forest land south of 30<sup>th</sup> Avenue is ill-suited for industrial use, primarily because that land is too sloped to meet the standards for Eugene's 20-year industrial land need.

### **Conclusion**

Staff studied the Eugene Sand and Gravel land, the DAG Trust land and the land south of 30<sup>th</sup> Avenue for inclusion in the UGB. While any of these areas may be needed in the next 50 years, and therefore may be eligible for an Urban Reserve designation, staff determined that none of these areas are needed for inclusion in Eugene's 20-year UGB.

## PAGE:

1. The City is considering expanding the urban growth boundary (UGB) near the Eugene airport by about 924 acres to provide land for over 3,000 jobs, a community park, and future Bethel schools. ([View Map](#)).

What is your opinion about the location, size, and land use arrangement of the proposed expansion area?

	Response Percent	Response Count
I strongly support having these lands in the UGB as proposed	40.7%	44
I can support the proposal, all things considered	29.6%	32
I prefer a different approach (please comment below)	29.6%	32
	Other (please specify) <a href="#">Show replies</a>	46
	answered question	108
	skipped question	11

2. The city is considering expanding the UGB by 35 acres near Madison Middle School (Wilkes Drive and River Loop 2) for a Santa Clara Community Park. ([View Map](#)).

What is your opinion about this proposal?

	Response Percent	Response Count
I strongly support having these lands in the UGB as proposed	54.1%	59
I can support the proposal, all things considered	36.7%	40
I prefer a different approach (please comment below)	9.2%	10

Other (please specify) 20  
[Show replies](#)

answered question 109

skipped question 10

3. Please use the space below to provide any additional comments you have on the UGB expansion proposal for Jobs, Parks, and Schools.

Response  
Count

[Show replies](#) 31

answered question 31

skipped question 88

4. The City is considering expanding the urban growth boundary (UGB) by 230 acres near Bloomberg Road, north of 30th Avenue and Lane Community College, to provide land for about 400 homes. ([View Map](#)).

What is your opinion about the location, size, and land use arrangement of the proposed expansion area?

Response  
Percent      Response  
Count

I strongly support having these lands in the UGB as proposed 30.9% 34

I can support the proposal, all things considered 31.8% 35

I prefer a different approach (please comment below) 37.3% 41

Other (please specify) 49  
[Show replies](#)

answered question	110
skipped question	9

5. The City is considering expanding the UGB by 60 acres near Bailey Hill and Gimpl Hill Roads to provide land for 135 homes. ([View Map](#)).

What is your opinion about the location, size, and land use arrangement of the proposed expansion area?

	Response Percent	Response Count
I strongly support having these lands in the UGB as proposed	25.5%	28
I can support the proposal, all things considered	41.8%	46
I prefer a different approach (please comment below)	32.7%	36
Other (please specify) <a href="#">Show replies</a>		48

answered question	110
skipped question	9

6. Please use the space below to provide any additional comments you have on the UGB expansion proposal for Homes.

	Response Count
<a href="#">Show replies</a>	40

answered question 40  
 skipped question 79

7. OPTIONAL: Is there an expansion area that you are most interested in or concerned about?

	Response Percent	Response Count
Yes, the Clear Lake area	15.5%	17
Yes, the Santa Clara area	4.5%	5
Yes, the Bailey Hill/Gimpl Hill area	17.3%	19
Yes, the Bloomberg Road area	23.6%	26
I have concerns about all the areas	19.1%	21
No	20.0%	22

answered question 110  
 skipped question 9

8. OPTIONAL: Do you live or own property in any of the expansion areas? (check all that apply)

	Response Percent	Response Count
Yes, the Clear Lake area	10.6%	11
Yes, the Santa Clara area	3.8%	4

Yes, the Bailey Hill/Gimpl Hill area	11.5%	12
Yes, the Bloomberg Road area	12.5%	13
No	64.4%	67
Other (please specify) <a href="#">Show replies</a>		12
answered question		104
skipped question		15

9. OPTIONAL: In what ZIP code is your home located? (enter 5-digit ZIP code; for example, 00544 or 94305)

	Response Count
<a href="#">Show replies</a>	102
answered question	102
skipped question	17

10. If you would like to be added to the Envision Eugene interested parties email list, please provide an email address below.

	Response Count
<a href="#">Show replies</a>	30
answered question	30

skipped question

89

# **Eugene Specific Urban Growth Boundary Adoption Package Components**

## **Envision Eugene Plan**

- Community Vision
- Eugene Comprehensive Plan (including policies for housing, employment and corridors)
- Urban Form Plan
- Implementation and Monitoring Plan

## **Technical Documents**

- Adopt the following documents as part of the Eugene Comprehensive Plan:
  - Economic Opportunities Analysis
  - Housing Needs Analysis
  - Buildable Lands Inventory
  - Bethel School District Long Range Facilities Plan
- Repeal obsolete documents (previous commercial, industrial and residential lands studies)

## **Metro Plan Amendments**

- Establish Eugene urban growth boundary on land use diagram and boundary map
- Amend land use diagram to re-designate expansion areas
- Amend or remove text no longer applicable to Eugene and/or covered in new comprehensive plan

## **Transportation System Plan**

- Adopt the Eugene Transportation System Plan to supports planned densities/development

## **Public Facilities and Services Plan**

- Amend to add projects to serve expansion areas and areas within current urban growth boundary

## **Refinement Plans/Special Area Studies**

- As needed, amend applicable plans to reconcile conflicts with new comprehensive plan

## **Land Use Code Amendments (Eugene Code and Urban Transition Area Code)**

- Add expansion area overlay zone to address specific needs
- Reconcile references to Metro Plan, where necessary
- Add references to and process for amending new comprehensive plan

## **Zone Changes**

- Apply city zoning to all expansion areas
- Apply appropriate overlay zones to expansion areas

## **Legal Findings**

- Findings and analysis to show compliance with relevant Statement Planning Goals, and all applicable state and local land use regulations and policies