



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

3/17/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Eugene Plan Amendment
DLCD File Number 006-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, March 31, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Steve Ochs, City of Eugene
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Amanda Punton, DLCD Regional Representative
Bill Holmstrom, DLCD Regional Representative

<paa> YA

Notice of Adoption



THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **City of Eugene**

Local file number: **MA 08-1**

Date of Adoption: **3/8/2010**

Date Mailed: **3/10/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **4/17/2009**

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: **Automatic Refinement plan map amendment**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Comprehensive Plan (Metro Plan) amendment to change land use designation from Parks and Opens Space to Low Density Residential. Automatically amends refinement plan diagram from Open Space to Low Density Residential

Does the Adoption differ from proposal?

No, but concurrent Zone Change to add site review overlay was not adopted.

Plan Map Changed from: **Parks and Open Space** to: **Low Density Residential**

Zone Map Changed from: to:

Location: **Undeveloped southern portion of 5300 West 11th Ave.** Acres Involved: **28.26**

Specify Density: Previous: **0** New: **0-14 du/acre**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

OPTIONAL FORM NO. 305
7-2001 (Rev. 1-2001)

Local Contact: Steve Ochs

Phone: (541) 682-5453

Extension:

Address: 99 West 10th Avenue

Fax Number: 541-682-5572

City: Eugene, OR

Zip: 97401-

E-mail Address: steve.p.ochs@ci.eugene.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on 8-1/2x11 green paper only. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

COUNCIL ORDINANCE NUMBER 20456

COUNCIL BILL NUMBER 5024

**AN ORDINANCE TO REDESIGNATE A PORTION OF "LANE
MEMORIAL GARDENS" FOR LOW DENSITY RESIDENTIAL
USE BY: AMENDING THE EUGENE-SPRINGFIELD
METROPOLITAN AREA GENERAL PLAN DIAGRAM; AND
AMENDING THE WILLOW CREEK SPECIAL AREA STUDY
DIAGRAM**

ADOPTED: March 8, 2010

SIGNED: March 10, 2010

PASSED: 8/0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: April 9, 2010

ORDINANCE NO. 20456

AN ORDINANCE TO REDESIGNATE A PORTION OF "LANE MEMORIAL GARDENS" FOR LOW DENSITY RESIDENTIAL USE BY: AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM; AND AMENDING THE WILLOW CREEK SPECIAL AREA STUDY DIAGRAM.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Metro Plan Diagram land use designation for the southernmost 28.26 acres of the property identified as Tax Assessor's Map 17-04-33-32, Tax Lot 600 is amended from Parks and Open Space to the Low-Density Residential land use designation as depicted on Exhibit A attached hereto and incorporated herein by this reference.

Section 2. Consistent with the provisions of Section 9.7750(4) of the Eugene Code, 1971, the land referenced in Section 1 above is automatically and concurrently redesignated from Open Space to Low Density Residential on 'Map E Future Land Use' (Page 29) of the Willow Creek Special Area Study, as shown on Exhibit B, which is incorporated herein.

Section 3. Based on the findings set forth in Exhibit C (attached hereto and adopted as findings in support of this Ordinance), the following limitation on the use of the land referenced in Section 1 above is hereby imposed:

The development on the subject site is limited to a maximum of 29 single family units or a combination of uses that results in an equivalent or lesser number of maximum peak hour vehicle trips (not to exceed 35 pm peak hour trips), based on the Trip Generation Manual from the Institute of Transportation Engineers (ITE). The City may allow development intensity beyond this maximum number of peak hour vehicle trips only if the applicant submits to the City and ODOT 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.

Passed by the City Council this

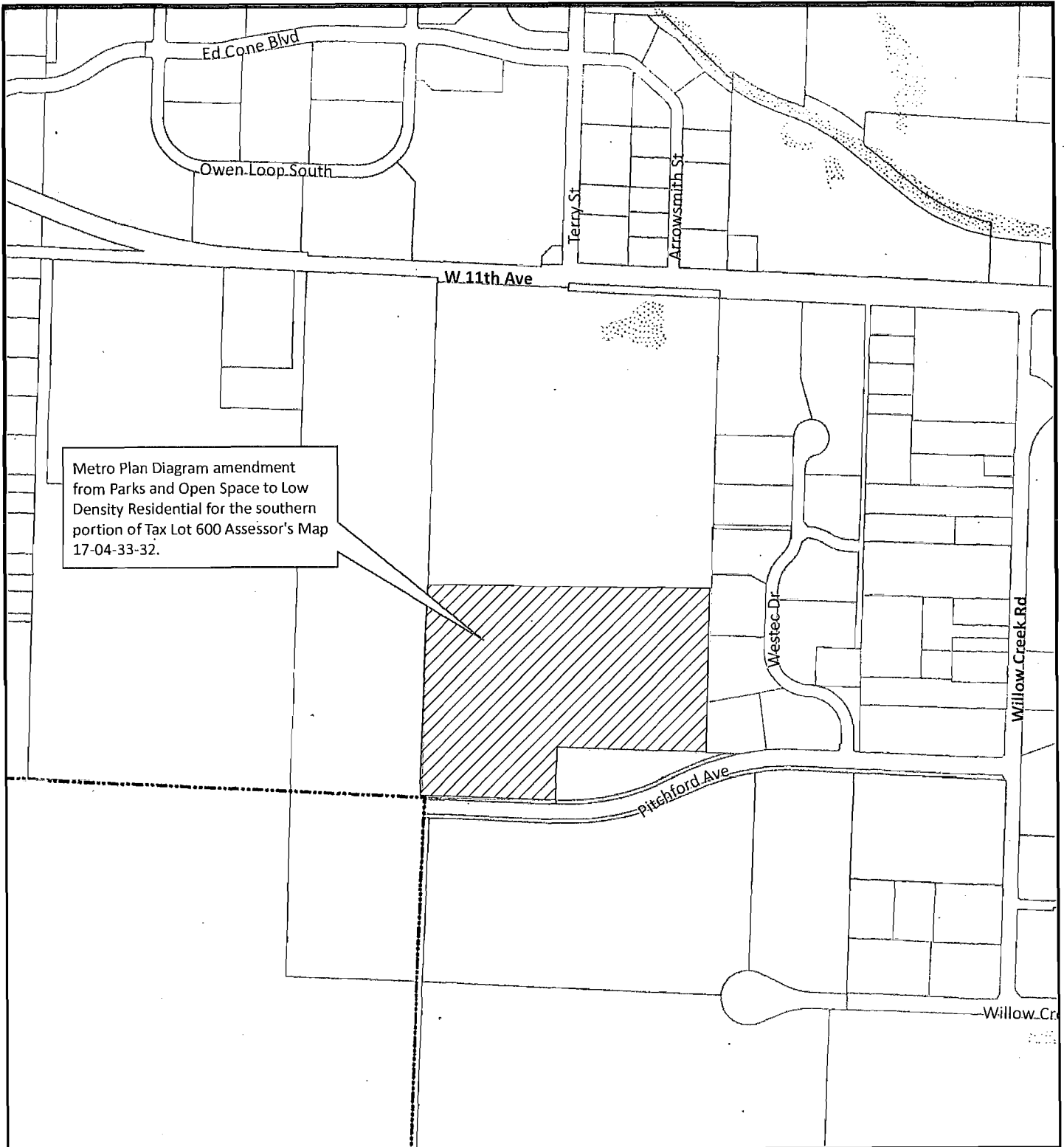
8th day of March, 2010


Acting City Recorder


Approved by the Mayor this

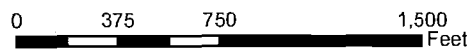
10th day of March, 2010

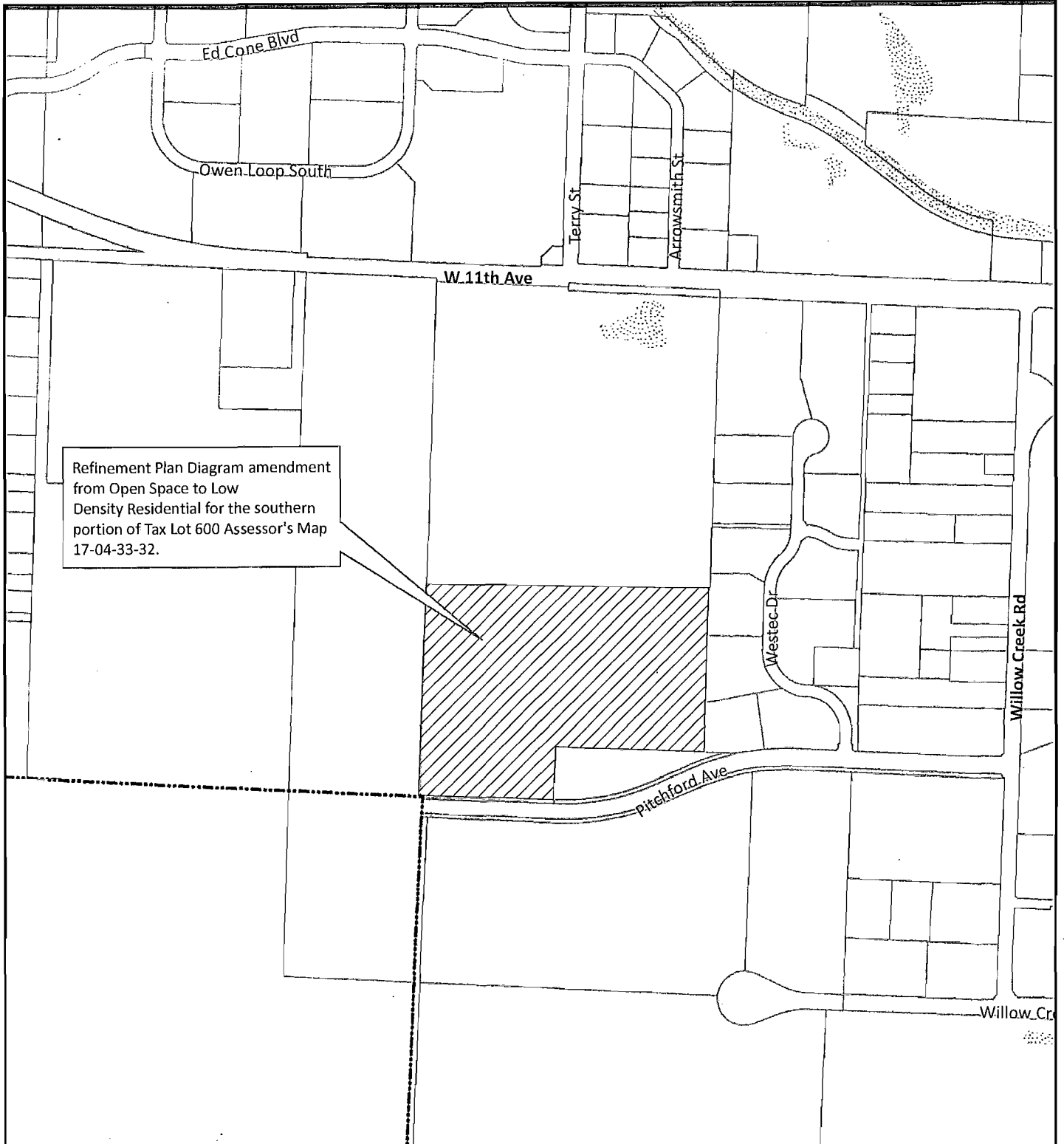

Mayor





Metro Plan Diagram Amendment for
Lane Memorial Gardens (City File MA 08-1)

-  Subject Property
-  Urban Growth Boudary





Refinement Plan Diagram Amendment for Lane Memorial Gardens (City File MA 08-1)

-  Subject Property
-  Urban Growth Boudary

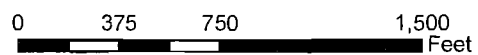


Exhibit C

Findings

Lane Memorial Gardens (MA 08-1 and Z 09-1)

Metro Plan Diagram Amendment (MA 08-1)

The proposed amendment changes the current Metro Plan land use diagram designation of 28.46 acres of the southern portion of Lane Memorial Gardens Cemetery, on the south side of West 11th Avenue, from Parks and Open Space to Low Density Residential. In accordance with applicable Metro Plan amendment procedures, upon approval, the land use diagram of the Willow Creek Special Area Study will also be automatically and concurrently amended from Open Space to Low Density Residential.

Eugene Code (EC) Section 9.7730(3) requires that the following criteria (in bold and *italics*) be applied to a Metro Plan diagram amendment:

(a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and

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

The City has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action does not amend the citizen involvement program. The process for reviewing these amendments complies with Goal 1 since it complies with, and surpasses the requirements of, the citizen involvement provisions.

The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption. Consideration of the amendments began with a City of Eugene Planning Commission public hearing on December 8, 2009.

Subsequent to deeming the applications complete, on April 10, 2009, the City mailed notice of the proposed plan amendments to the Department of Land Conservation and Development, as required by the Eugene Code and in accordance with State statutes. Revised notice of the plan amendment was subsequently mailed October 23, 2009. Referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the affected Neighborhood Association, the Churchill Area Neighbors and to City departments.

The Planning Commission public hearing on the proposed ordinance was duly noticed to the City of Springfield, Lane County, community groups and individuals who have requested notice as all property owners and occupants within 500 feet of the subject property. In addition, notice of the public hearing was also published in the Register Guard. The City Council then held a duly noticed public hearing to consider approval, modification, or denial of the proposed ordinance. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 1.

The process for adopting these amendments complies with Statewide Planning Goal 1 since it complies with the requirements of the State's citizen involvement provisions.

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

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides a basis for decision-making in this area. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. These findings and the record show that there is an adequate factual base for decisions to be made concerning the proposed amendment. Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the City coordinated the review of these amendments with all affected governmental units. Specifically, notice was mailed to the State Department of Land Conservation and Development, Oregon Department of Transportation (ODOT), Lane County, and the City of Springfield. Several meetings were also held with ODOT during the process. There are no Goal 2 exceptions required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Land: *To preserve and maintain agricultural lands.*

Goal 3 is not applicable to these amendments as the subject property and actions do not affect any agricultural plan designation or use. Goal 3 excludes lands inside an acknowledged urban growth boundary from the definition of agricultural lands. Since the subject property is entirely within the acknowledged urban growth boundary, Goal 3 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 3.

Goal 4 - Forest Land: *To conserve forest lands.*

Goal 4 is not applicable to these amendments as the subject property and actions do not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries and, therefore, does not apply to the subject property, which is within Eugene's urban growth boundary (OAR 660-006-0020). Therefore, Goal 4 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 4.

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

The following administrative rule (OAR 660-023-0250) is applicable to this post-acknowledgement plan amendment request:

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

The proposed amendments do not create or amend a list of Goal 5 resources, a plan or a land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and do not amend the acknowledged Urban Growth Boundary. Therefore, it is clear that the proposed amendments do not trigger the need to consider Goal 5 pursuant to OAR 660-023-0250(3)(a) or 3(c).

Some analysis is required to determine whether OAR 660-023-0250(3)(b) triggers the need to consider Goal 5. (3)(b) asks whether “[t]he PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list.”

The forested slopes on a portion of the site were identified on the City’s 1978 inventory of “Scenic Areas” (April 12, 1978 Scenic Sites Working Papers, Figure H2), which is a part of the City’s acknowledged Goal 5 inventory. The adopted working papers define standards for identifying sites and characteristics of scenic sites, but do not set the level of protection to be assigned to these sites.

Although the site was identified on the 1978 inventory, no further protection of the site was assigned through subsequent processes. While the Willow Creek Special Area Study (1982) identified certain natural conditions that would necessitate development to occur under additional land use approvals, the site does not fall within the identified characteristics, nor is the site identified as having wetlands in the West Eugene Wetlands Plan (2000). These site characteristics and wetlands are discussed further in the concurrent zone change findings at EC 9.8865(2) below, in regards to the adopted Willow Creek Special Area Study and West Eugene Wetlands Plan policies. As no further Goal 5 protection measures have been locally adopted for the subject site, the residential uses allowed by the plan amendment would not adversely affect the Goal 5 “Scenic Area” site.

Even if the site's current designation was intended to protect the scenic area, the proposed change would not diminish any protections afforded under Goal 5. Whether residential uses "could be conflicting uses with" the identified Goal 5 area may depend upon the definition of "conflicting use."

The standard definition of "conflicting use" at OAR 660-023-0010(1) is:

"a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (Except as provided in OAR 660-023-0180(1)(b))."

If this definition is applied, the question under OAR 660-023-0250(3)(b) would be 'whether a residential use could adversely affect the Goal 5 site "Scenic Area".' (Note that OAR 660-023-0180(1)(b) applies only to mineral and aggregate resources, and as such, is not applicable to this request).

In determining if the new residential uses could adversely affect the Goal 5 site, a comparison can be drawn to existing allowed uses as a cemetery and regulations that would act to preserve the portion of the site as a "Scenic Area". If no amendment is granted, the remainder of the subject site could be developed as a cemetery. Cemeteries are allowed subject to an approved conditional use permit, which includes approval criteria addressing natural resource and tree protection. The impacts to the site from such development would include activities such as grading and tree removal, which are similar to the impacts to natural features that would arise if the site was developed for residential uses. Future residential uses and development would be subject to similar natural resource and tree protection requirements through the subdivision or other land use application process. In either scenario, the level of resource protection under Goal 5 would not change.

Therefore, OAR 660-023-0250 (3)(b) above is also not applicable as the plan amendment does not adversely affect the Goal 5 resource.

The applicant's findings conclude that the new uses could conflict with the Goal 5 resource and has submitted a concurrent zone change (City file Z 09-1) to add the /SR overlay to the subject property as a means of ensuring resource protection as the property is developed. With the /SR overlay, future development applications would be required to be approved through the site review process. Application of the /SR is not required in the context of this Goal, as the above findings demonstrate that the plan amendment does not adversely affect the Goal 5 resource.

The applicant also provided additional findings and ESEE analysis in a letter dated December 7, 2009 to the Eugene Planning Commission from Dan Terrell. That letter is hereby incorporated into these findings by reference.

Per the findings above it is found that the plan amendment does not affect a Goal 5 resource and further Goal 5 considerations are not required. For this reason, the amendment is consistent with Statewide Planning Goal 5.

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

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. Nothing in the proposal or the character of the site or potential uses indicates a future development that would compromise air, water and land resources. The proposal does not amend the metropolitan area's air, water quality or land resource policies. The applicant's findings show that the City can reasonably expect that future development of the site comply with applicable environmental laws. Therefore, the amendments are consistent with Statewide Planning Goal 6.

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 subject property is not located within known areas of natural disasters or hazards. The subject property is outside the flood zone and is not subject to hazards normally associated with wildfires, or tsunamis. Slopes on the subject property are moderate and can be mitigated at the time of development based on required standards for geological and geotechnical analysis. Other hazards, such as earthquakes and severe winter storms can also be mitigated at the time of development based on accepted building codes and building techniques. Therefore, these amendments are consistent with Statewide Planning Goal 7.

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

The Parks and Open Space designation includes existing publicly owned parks as well as publicly and privately owned golf courses and cemeteries. This 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. Unlike planning for its residential, commercial or industrial land needs under Goals 9 and 10, planning for a city's recreational needs is largely a matter of local choice. The applicable statutes, Statewide Planning Goals and administrative rules are not prescriptive as to the amount of park land that a city must have to serve its population. While the City takes into consideration the existence of private recreation facilities and open space in its parks planning process, because there is no guarantee that lands owned by private entities will remain in perpetuity as public open space and/or recreation facilities, the City does not (and is not required to) account for private facilities and open space in its supply of recreation facilities, parks and open space. The subject property is not included on any formally adopted list, inventory or map identifying the City's existing parks and open space supply. As such, changing the designation of the subject property will have no impact on the City's parks and open space supply. While the proposed amendments will impact a private cemetery, the proposed amendments will

not impact the provision of public recreational facilities, nor will they affect access to existing or future public recreational facilities. Therefore, the amendments are consistent with Statewide Planning Goal 8.

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

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))." 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.

The applicant states that the proposed amendment is consistent with OAR 660-009-0010(4) since the proposed amendment does not change the designation from industrial to non-industrial or an employment use designation to any other use designation. The proposed plan designation change is from Parks and Open Space to Low Density Residential.

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

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. 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 1999 Eugene-Springfield Metropolitan Area Residential Lands and Housing Study (RLS) is acknowledged for compliance with the requirements of Goal 10 and its Administrative Rule.

The subject property was not included in the RLS supply analysis. (See Exhibit I of the applicant's written statement). The applicant's written statement, which is included here by reference, notes that both the RLS and Willow Creek Special Area Study do not allocate the subject property for residential land supply. As such, a change to the residential designation from parks and open space will only add to the residential inventory and can be made to the subject property without affecting other inventories.

Based on these findings, the proposal is consistent with Statewide Planning Goal 10.

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

The area affected by the amendments is located inside the City limits. The existing level of public facilities and service is adequate to serve the needs of existing and future development. However, specific design details related to public improvements such as stormwater remain to be resolved in the context of any future development proposal. The provision of these amendments does not significantly affect the planning or development of future public facilities or services. Therefore, the amendments are consistent with Statewide Planning Goal 11.

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

Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, *et seq.* The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is implemented at the local level. The TPR states that when land use changes, including amendments to acknowledged comprehensive plans, significantly affect an existing or planned transportation facility, the local government must put in place measures to assure that the allowed land uses are consistent with the function, capacity and performance standards of those transportation facilities.

Pursuant to OAR 660-012-0060(1), the TPR requires a determination of which existing and planned transportation facilities will experience a significant effect as a result of a proposed amendment, and defines what constitutes a significant effect. One way in which an amendment will significantly affect an existing or planned transportation facility is, if at the end of the planning period, the amendment will reduce the performance of a transportation facility below the minimum acceptable performance standard or will worsen the performance of a transportation facility that is otherwise projected to perform below the minimum acceptable performance standard (OAR 660-012-0060(1)(c)(B) and (C)).

The end of the planning period as identified in the adopted transportation system plan (TransPlan) is 2015. For state facilities, Oregon Highway Plan (OHP) Policy 1F.2 states in part: "*When evaluating highway mobility for amendments to transportation system plans, acknowledged*

comprehensive plans and land use regulations, use the planning horizon in adopted local and regional transportation system plans (TSP) or a planning horizon of 15 years from the proposed date of amendment adoption, whichever is greater.”

In determining whether there is a significant effect, Level of Service D (LOS D) is considered the minimum acceptable level of performance for the three impacted City of Eugene facilities. Performance standards from the *Oregon Highway Plan (OHP)* are applied to state facilities that are located in the Eugene-Springfield metropolitan area. The OHP requires a maximum volume to capacity ratio (v/c) of 0.80 for these facilities. Thus, v/c of 0.80 is considered the minimum acceptable level of performance for the three impacted ODOT facilities.

City of Eugene and ODOT staff was consulted in the scoping and development of the TIA and generally agree that the analysis methods used in the TIA are acceptable. The TIA included analysis of six intersections:

Transportation Facilities		
Intersection	Mobility Standard	Jurisdiction
West 11 th Ave. @ Terry St./Cemetery Access	0.80	ODOT
West 11 th Ave. @ Willow Creek Rd/Danebo Ave.	0.80	ODOT
West 11 th Ave. @ Beltline	0.80	ODOT
Willow Creek Rd. @ Pitchford Ave.	LOS D	COE
Willow Creek Rd @ West 18 th Ave.	LOS D	COE
Pitchford Ave. @ Westec Dr.	LOS D	COE

Pursuant to the TPR, the applicant’s TIA evaluates the performance of impacted transportation facilities in 2015 and 2025, comparing worst-case scenario development in the current land use designation/zone with worst-case scenario development in the proposed designation/zone. Based on the TIA, the worst-case scenario under the current designation/zoning would generate 5 trips in the AM peak hour and 24 trips in the PM peak hour. Based on the TIA, the worst-case scenario under the proposed designation/zoning would generate 218 trips in the AM peak hour and 286 trips in the PM peak hour. “Trip” is defined as a single directional vehicle trip that has one origin and one destination. “Peak hour” is defined as the four highest contiguous 15-minute traffic volume periods.

As stated in the applicant’s TIA, as a result of the proposed plan amendment, the following existing transportation facilities will be significantly affected, as that term is defined by OAR 660-012-0060(1)(c)(C):

1. The intersection of West 11th Ave. at Terry Street/Cemetery Access currently exceeds v/c 0.80 in the PM peak hour; the proposed amendment will worsen the performance of this transportation facility.
2. The intersection of West 11th Ave. at Willow Creek/Danebo Avenue currently exceeds v/c 0.80 in the AM peak hour; the proposed amendment will worsen the

performance of this transportation facility.

3. The intersection of West 11th Ave. at Beltline currently exceeds v/c 0.80 in the PM peak hour; the proposed amendment will worsen the performance of this transportation facility.

Pursuant to OAR 660-012-0060(2), when a local government determines that a development would significantly affect an existing or planned transportation facility, the local government must put in place measures as provided in OAR 660-012-0060(2) to assure that the allowed land uses are consistent with the identified function, capacity and performance standards (level of service, volume to capacity ratio, etc.) of the facility.

If it is found that there are no measures that will assure that the allowed land uses are consistent with the identified function, capacity and performance standards of the facility, the City could still approve the proposed amendment if the applicant demonstrates compliance with OAR 660-012-0060(3).

OAR 660-012-0060(3) states that a local government may approve a development that would significantly affect an existing transportation facility without an applicant assuring that the allowed land uses are consistent with the function, capacity and performance standards if the applicant can demonstrate that: (a) the transportation facility is already performing below minimum acceptable performance standards on the date the amendment application is submitted; (b) the planned transportation facilities will not be adequate to achieve consistency with the performance standard of the facility by the end of the planning period; (c) the development resulting from the proposed amendment mitigate the impacts of the amendment in a manner that avoid further degradation of the transportation facility by the time of development; (d) the amendment does not involve property located in an interchange area; and (e) for affected state highways, ODOT has provided a written statement that the proposed funding and timing for the identified mitigation improvements or measures, are at a minimum sufficient to avoid further degradation of the performance of the affected state highway.

The applicant proposes compliance with the TPR pursuant to OAR 660-012-0060(3). Specifically, the applicant proposes to prevent further degradation of the significantly affected transportation facilities with the imposition of a trip cap that limits the residential units allowed on the subject property. The proposed trip cap would limit the number of residential units allowed on the subject property to 29 single family residences or 50 condominiums. Based on the analysis below, the applicant's proposed trip cap is consistent with OAR 660-012-0060(3).

OAR 660-012-0060(3)(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;

Consistent with this subsection, the identified West 11th Ave. intersections are currently performing below the acceptable performance standard of 0.80 v/c, as demonstrated in the

applicant's TIA.

OAR 660-012-0060(3)(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

As shown in the applicant's TIA, planned transportation facilities will not be adequate to achieve consistency with the performance standard of the facility by the end of the planning period, consistent with this subsection.

OAR 660-012-0060(3)(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

The applicant notes the time of development is anticipated to be 2010. To address this requirement, the applicant has proposed a trip cap that limits the number of residential units to 29 single family residences or 50 condominiums. As shown in the applicant's TIA, imposition of the trip cap proposed by the applicant prevents the significantly affected transportation facilities from being further degraded. Specifically, as shown in Table 6 of the TIA Addendum Revised, with the proposed trip cap, the level of service in 2010 (year of opening) would be the same with the plan amendment or without the plan amendment. Accordingly, the proposed trip cap is consistent with the requirement in OAR 660-012-0060(3)(c) to "avoid further degradation."

OAR 660-012-0060(3)(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

Consistent with this subsection, the amendment does not involve property located in an interchange area, as defined in OAR 660-012-0060(4)(d)(C).

OAR 660-012-0060(3)(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

Pursuant to this subsection, ODOT submitted a letter to the City of Eugene on September 24, 2009, stating that the proposed trip cap appears reasonable and that the applicant's analysis verifies that "the trip cap would satisfy the TPR requirement. . . ."

The applicant has requested that the trip cap be established in agreement with the City and requests that a mechanism is provided for removal of the trip cap should the capacity for traffic in the area improve in the future. The trip cap could then be modified or removed upon demonstration that the actions are consistent with Goal 12 and the TPR.

The proposed trip cap would limit development to 29 single family residential dwelling units, or 50 townhouse dwelling units. Development proposed beyond that number of trips will need to demonstrate compliance with Goal 12 and TPR. To ensure this trip cap is implemented and a mechanism is in place that will allow development once capacity for traffic has improved, upon demonstration that the actions are consistent with Goal 12 and the TPR, the following condition of approval is warranted:

The development on the subject site is limited to a maximum of 29 single family units or a combination of uses that results in an equivalent or lesser number of maximum peak hour vehicle trips (not to exceed 35 pm peak hour trips); based on the Trip Generation Manual from the Institute of Transportation Engineers (ITE). The City may allow development intensity beyond this maximum number of peak hour vehicle trips only if the applicant submits to the City and ODOT 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.

Based on the findings set forth above and the available evidence, and with the trip cap imposed as a measure to mitigate/limit the impact, the proposal complies with Statewide Planning Goal 12 as implemented through OAR 660-012-0060.

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

Statewide Planning Goal 13 calls for land use to be managed and controlled "so as to maximize the conservation of all forms of energy, based upon sound economic principles." Goal 13 is directed at the development of local energy policies and implementing provisions and does not state requirements with respect to other types of land use decisions. To the extent that Goal 13 could be applied to the proposed change in designation, the designation is consistent with Goal 13. The proposed site is located so that a future development can make efficient use of energy with direct and efficient access. The proposal is consistent with Statewide Planning Goal 13.

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

The amendments do not affect the transition from rural to urban land use, as the subject property is within the City limits. 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 subject property is not within the boundaries of the Willamette River Greenway. 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.

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

The applicant notes that the Metro Plan diagram amendment to re-designate 28.46 acres of land from Parks and Opens Space to Low Density Residential will not create an internal conflict with the remainder of the Metro Plan. The applicant provided detailed findings, which are incorporated here by reference, are intended to show how the Metro Plan diagram amendment is consistent with the policy direction contained in the Metro Plan. Some of those relevant policies are addressed below.

The following Metro Plan polices are applicable to this request:

Growth Management Goals, Findings, and Policies

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 detailed in the response to Statewide Goal 11 (above), urban services are available to the subject property and the property is within the Eugene portion of the metropolitan UGB and within the incorporated City limits. As such, the proposed amendment will provide for compact urban growth and the subject property has the essential services available for development. 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.

The amendments will allow compact urban growth to occur on lands that are currently within the UGB and underutilized for an urban area. As such, the proposed amendments support this policy.

A. Residential Land Use and Housing Element

Provide an adequate supply of buildable residential land within the UGB for the 20-year planning period at the time of Periodic Review. (Policy A.3)

The 2004 update of the Metro Plan planned for an adequate supply of residential land based on the analysis of the 1999 Residential Land Supply (RLS). As discussed previously in more detail under Goal 10, the subject property was not included in the RLS inventory as part of the residential land supply. The proposal will increase the available residential land supply within the UGB while not reducing available commercial or industrial lands, consistent with this policy.

Require development to pay the cost, as determined by the local jurisdiction, of extending public services and infrastructure. The cities shall examine ways to provide subsidies or incentives for providing infrastructure that support affordable housing and/or higher density housing. (Policy A.8)

The applicant will be required to conform to City of Eugene standards and pay the fair cost of extending public services and infrastructure as part of future development. The proposed amendment will allow residential housing types to occur on the subject property that would not be possible under the current designation. As such, the proposed amendment supports this policy.

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. (Policy A.10)

Generally locate higher density residential development near employment or commercial service, in proximity to major transportation systems or within transportation-efficient nodes. (Policy A.11)

Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities. (Policy A.12)

The applicant notes that the proposed amendments will promote higher density inside the UGB by increasing the total supply of residential supply where such development is currently not permitted. While this proposal will provide a higher residential density than not being developed, these policies are intended to promote higher residential densities and the siting of these higher density developments. Therefore, to the extent these policies apply, the proposed amendment is consistent.

Provide opportunities for a full range of choice in housing type, density, size, cost, and location. (Policy A.17)

The applicant's proposed amendment will increase the opportunities for low density residential development in the area. Surrounding properties are designated for industrial, commercial and

medium density residential. While a specific type of housing is not proposed at this point, the low density nature of the permitted density will allow for a range of housing types, density, size and cost consistent with this policy.

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

While the applicant provides findings noting that the proposal is consistent with this policy, this policy is directed at the local jurisdictions that govern the local zoning and development. This policy is not applicable to the development.

B. Economic Element

Continue to evaluate other sites in and around Springfield and Eugene for potential light-medium industrial and special light industrial uses, as well as potential residential uses. Policy B.24

The applicant notes that given the location, the property could request any of the above designations but given the existing low-density zoning of the property the low-density designation was found to be appropriate. It is noteworthy that the policy only asks for continued evaluation for potential other uses but does not require those uses. To the degree this policy is applicable this proposal will not make the Metro Plan internally inconsistent.

C. Environmental Resources Element

Wetland, riparian corridor, or wildlife habitat sites inside the UGB identified after the adoption of the applicable Goal 5 inventory of significant sites, that have not been previously considered for inclusion in the inventory, shall be addressed in the following manner: ... (Policy C.13)

The subject site was considered for inclusion, and a portion of the site was included, into the City's Goal 5 inventory as previously described. A portion of the site was identified as a "Scenic Area" in the April 12, 1978 Scenic Sites Working Papers, Figure H2, which is included as part of the City's adopted Goal 5 inventory. Since this site has been identified, considered and already included in the Goal 5 inventory, the above policy is met.

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. (Policy C.21)

The applicant's findings, which are incorporated here by reference, notes that the Willow Creek Special Area Study identifies areas for active and passive recreation and that many of the identified areas are now established. The developed parks and a series of other neighborhood parks, while to the east there are open spaces oriented to passive uses including the Willow Creek Natural Area and Murray Hill which is part of the Ridgeline trail system. As noted in the Goal 8 – Recreational Needs findings above, which are incorporated here by reference, there are no areas on the subject property that have been identified for future public park use.

A portion of the subject site would be considered to have "significant vegetation". The forested slopes on the southern portion of the site are identified as a "Scenic Area" in the April 12, 1978 Scenic Sites Working Papers, Figure H2, which is included as part of the City's adopted Goal 5 inventory. The adopted working papers define standards for identifying sites and characteristics of scenic sites, but do not set standards for preservation of these sites. Furthermore, when the Willow Creek Special Area Study was adopted in 1982, and West Eugene Wetlands Plan was adopted in 2000, no additional or specific open space protection requirements were established for the subject site other than plan policies which consider the potential need for planned unit development or site review land use application procedures, as appropriate. Those policies are discussed further below.

The Willow Creek Special Area Study, adopted as a refinement to the Metro Plan, provides policy guidelines to apply planned unit development, cluster subdivision or site review procedures based on a variety of site characteristics including elevation, slope and soil types. The West Eugene Wetlands Plan also identified additional wetland resource protections in the area. As discussed per the findings below at EC 9.8865(2), which are incorporated here by reference, this site does not meet the guidelines provided in the Willow Creek Special Area Study to apply further land use procedures and no additional wetland resources are identified on the subject site in the West Eugene Wetlands Plan for protection.

Given the findings, the proposal is consistent with the above policy.

F. Transportation Element

The project area is currently served by Pitchford Avenue along the southern boundary. Pitchford Avenue is a local road which is not improved along the frontage of the subject property. Future development of the subject site will include improvements to Pitchford Avenue, proportionate to the impact of development that will bring the road up to urban standards.

Information and findings in this report above, in response to Statewide Planning Goal 12 – Transportation, are also hereby referenced and incorporated.

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 served by existing or planned transit. (Policy F.3)

The applicant notes that two transit routes serve the area, with LTD Route 36 serving the Westec Business Park and Route 93 running along West 11th, north of the cemetery. Park and Ride Facilities are located at Seneca Station on West 11th. Given the existing transit service in the vicinity of the proposal, this development is in an area that is, and can be served by transit consistent with this policy.

Require that new development pay for its capacity impact on the transportation system. (Policy F.36)

The applicant provided a Traffic Impact Analysis with this proposal that is analyzed under the Goal 12 findings above. With the proposed trip cap, further mitigation is not required at this time. Payment of transportation system development charges are required at the time of development which is designed to for new developments to pay for transportation impacts consistent with this policy.

G. Public Facilities and Services Element

Extend the minimum level and full range of key urban facilities and services in an orderly and efficient manner consistent with the growth management policies in Chapter II-B, relevant policies in this chapter, and other Metro Plan policies. (Policy G.1)

The parcel affected by this application is currently within the Urban Growth Boundary and is annexed into the City of Eugene. The annexation was made in compliance with an acknowledged comprehensive plan and implementing ordinances, and established the availability of urban facilities and services. Additionally a tentative partition on the subject property (City file PT 08-23) indicated that facilities are available and can be extended. A detailed analysis of the availability of those services is contained in the applicant's response Statewide Planning Goal 11 – Public Facilities and Services. Those responses are hereby incorporated by reference.

H. Parks and Recreation Element

The changes proposed by this application will have no impact on any recreation area, facility or opportunity that has been inventoried and designated by the Metro Plan or any relevant facility plan regarding the City's recreational needs. The recreational needs of the community are adequately met by the existing and planned facilities enumerated in the *City of Eugene Parks, Recreation and Open Space Comprehensive Plan, 2006* and other associated documents. A detailed analysis of the subject site in relation to the various parks and recreation system studies, inventories, refinement plans, and facilities plans is contained in the applicant's response Statewide Planning Goal 8 – Recreation. Those responses are hereby incorporated by reference.

I. Historic Preservation Element

The changes proposed by this application will have no impact on any historic resource that has been inventoried and designated by the Metro Plan or any relevant facility plan or inventory regarding the City's historic resources. With regard to the Historic Preservation Element of the Metro Plan, the City can find that the proposed amendment will not make the Metro Plan internally inconsistent.

K. Citizen Involvement Element

Continue to develop, maintain, and refine programs and procedures that maximize the opportunity for meaningful, ongoing citizen involvement in the community's planning and planning implementation processes consistent with mandatory statewide planning standards. (Goal 1)

As noted in applicant's findings regarding Statewide Planning Goal 1 -- Citizen Involvement, the City's acknowledged program for citizen involvement provides citizens the opportunity to review and make recommendations in written and oral testimony on the proposed amendment, consistent with Goal 1. The action proposed is consistent with and does not amend the citizen involvement element of the Metro Plan.

Based on the findings above, the proposal will not make the Metro Plan internally inconsistent, as required.

Zone Change (Z 09-1)

The applicant proposes to add the /SR Site Review overlay zone to the subject property, which consists of the southernmost 28.46 acres of the 79.28 Lane Memorial Gardens Cemetery. The subject property is currently zoned R-1/CAS Low Density Residential with the Commercial Airport Safety overlay. If approved, the zoning of the property would be R-1/SR/CAS Low Density Residential with the Site Review overlay and Commercial Airport Safety overlay. The applicant is requesting the /SR overlay to show compliance with Goal 5 requirements as part of the concurrent Metro Plan designation change (City file MA 08-2) which requests the Metro Plan designation be changed from Parks and Open Space to Low Density Residential including an automatic refinement plan amendment to the Willow Creek Special Area Study, to change designation from Open Space to Low Density Residential. The applicant has requested the /SR overlay zone be applied only if the Metro Plan amendment is approved and if it is found to be required for Goal 5 compliance. As discussed further below, application of the /SR overlay is not necessary in this instance.

EC 9.8865 requires that the zone change request meets 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.

Approval of the zone change is dependent upon approval of the Metro Plan diagram amendment to re-designate 28.46 acres of the 79.28 Lane Memorial Gardens Cemetery from the Parks and Open Space designation to Low Density Residential. The zone change is not changing the existing base zoning of Low-Density Residential (R-1) but rather, only adding the /SR site review overlay. Some of the policies addressed in the Metro Plan amendment findings are applicable here and to the extent they are applicable the findings under EC 9.7730(3)(b), above, 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 change is dependent upon approval of the Metro Plan diagram amendment to re-designate 28.46 acres of the 79.28 Lane Memorial Gardens Cemetery from the Parks and Open Space designation to Low Density Residential. As noted at EC 9.7750(4), when a Metro Plan amendment is enacted that requires an amendment to a refinement plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan map diagram or map if no plan text is involved. In this application, the applicable refinement plan is the Willow Creek Special Area Study. No text in the refinement plan needs to be amended, so if the Metro Plan diagram amendment is approved it would automatically amend Map E, Future Land Use on page 29 of the Willow Creek Special Study. The proposal will then be consistent with the corresponding land use diagram in the Willow Creek Special Area Study.

The applicable refinement plan policies are further addressed as follows:

Willow Creek Special Area Study

Land Use

*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.
(Policy 3, Page 7)*

As noted above, approval of the Metro Plan amendment will automatically amend Map E in the Willow Creek Special Area Study to show the subject area as being designated for Low-Density Residential use, consistent with this policy.

*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:
(Policy 4, Page 7)*

- a. Properties with elevation and slope, soil and geologic conditions which fit criteria identified in Eugene's 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. (Policy 4, Page 7)*

On properties with slopes and elevations which fit criteria to apply planned unit development procedures outlined in the South Hills Study, the PUD procedures shall include direction to.....

The applicant's written statement, which is incorporated here by reference, notes that while the applicant has requested the /SR site review overlay, it is being requested to comply with Goal 5 provisions and PUD or Site Review are not required by the policy above.

In regards to subsection a. above, starting on page 15, the South Hills Study identifies the following for applying PUD procedures:

1. *That planned unit development procedures be required for all major developments on property above 701 feet in elevation shall be reviewed by the Planning Director to determine if standard subdivision procedures, site review procedures, or planned unit development procedures should be required.*

The highest elevation on the subject property is approximately 618 feet above sea level therefore PUD procedures are not required based on this policy.

2. *That planned unit development procedures be required for development of any parcel over 4 acres in size, characterized by a slope in excess of 20 percent in the area between 500' and 700' in elevation.*

The property is between 500 feet and 700 feet in elevation and over 4 acres in size but is not characterized by slopes in excess of 20 percent. Page 37 of the Willow Creek Special Area Study notes that while slopes are generally flat or gentle within the urban growth boundary the major exception is the ridge which extends southwest of the cemetery where moderate slopes of 10-20 percent occur. Based on the existing slopes on the subject property, PUD procedures are not required by this policy.

In regards to subsection b. which addresses natural areas, adjacent properties are zoned for campus industrial, commercial and residential uses. The property is not in or adjacent to a designated natural area. As such, subsection b. of the policy is not applicable.

In regards to subsection c. of the policy, the property does not contain any natural streams and thus PUD or site review procedures are not required.

While the applicant is proposing the /SR site review overlay, given the findings above, planned unit development, cluster subdivision or site review procedures are not required in this instance.

West Eugene Wetlands Plan (WEWP)

The subject property is included in the West Eugene Wetlands Plan area. Generally, the WEWP policies 3.1 – 3.17 are directives to the Metro governments to adopt regulations to protect the identified resources and do not establish approval standards for site-specific applications. The City of Eugene has adopted regulations to protect wetlands as a result of the WEWP. The applicant has provided a copy of the West Eugene Wetlands Plan Map 3 as Exhibit J. This map designates wetlands and stream corridors to be protected, restored or developed. The City adopted the /WB Wetland Buffer and /WP Waterside Protection Overlay Zones to protected resources identified in the WEWP. There are no wetlands or stream corridors identified in the WEWP on the portion of the site subject included in the plan amendment and zone change request. There are wetlands located on the cemetery (WEWP site C1) to the north of the area included in this request, and on the property adjacent to the west (WEWP site HK). Both wetland sites C1 and HK are designated for “future fill”, as wetlands to be developed.

One additional, relevant policy of the WEWP is discussed further below.

Pursue interim protection of sites which contain rare species, but do not meet the criteria for protection in Policy 3.17 through conservation easements or other measures until either (1) the affected species are de-listed or (2) conservation agreements are reached between the property owner and affected natural resource agencies to address the rare species populations. (Policy 3.26)

While this policy is primarily a directive to the local government, the applicant has provided a “Rare Species Survey and Report” prepared by Nancy Holzhauser of Environmental Solutions, LLC. The report summarized that it was not likely that potential habitat for rare species of plants and animals was present on the subject property.

The applicant’s written statement addresses several additional WEWP policies. To the extent that the policies addressed may be applicable to this application, the proposal is found to be consistent.

(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 Statewide Planning Goal 11 – Public Facilities and Services, and Goal 12 – Transportation 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.

The applicant is requesting to add the /SR Site Review overlay. There are no applicable siting requirements for this overlay or the existing zoning of R-1, Low Density Residential 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.

Conclusion

Based on the available information and materials in the record, and the above findings, the proposal is found to be consistent with the applicable approval criteria without the addition of the Site Review (/SR) zoning overlay, subject to the following condition of approval:

1. The development on the subject site is limited to a maximum of 29 single family units or a combination of uses that results in an equivalent or lesser number of maximum peak hour vehicle trips (not to exceed 35 pm peak hour trips); based on the Trip Generation Manual from the Institute of Transportation Engineers (ITE). The City may allow development intensity beyond this maximum number of peak hour vehicle trips only if the applicant submits to the City and ODOT 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.

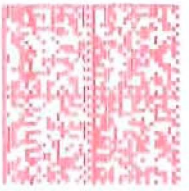


Planning & Development
Community Development Division

City of Eugene
99 West 10th Avenue
Eugene, Oregon 97401

Attention: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

FIRST CLASS



usps

049162040141
\$01220
03/10/2010
Routed From: 97401
US POSTAGE