

SHALL BE GIVEN THE SAME CONSIDERATION AS LAND ZONED FOR FOREST USES WITHIN THE UGB

CURRENT LANGUAGE

"C.6 The Oregon Forest Practices Act shall control commercial forest practices when commercial forest uses are the primary or one of two or more primary uses identified on forest lands outside the UGB. When other policies of the Metro Plan establish a greater importance for uses other than commercial forests, Lane County shall protect those other values by applying appropriate implementation measures.

SUGGESTION:

The Metro Plan does not have the 'authority' to establish levels of importance of uses proposed on commercial forest lands; the applicable forest land uses and criteria for any exceptions to the established uses are defined in the state Goals, Rules, and Statutes. Lane County is required to implement the Goal 4 rules and statutes in managing lands zoned F1 (non-impacted) and F2 (impacted) forest lands.

Goal 4 states:

"Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) dwellings authorized by law."

Metro Plan Chapter III-C. Environmental Resources Element

CURRENT LANGUAGE:

"Numerous local efforts reflect a positive attitude by the community toward the natural environment."

COMMENT:

Although numerous local efforts reflect a positive attitude by the community toward the natural environment, local codes and ordinances also indicate a growing lack of concern for the protection and conservation of the natural environment.

CURRENT LANGUAGE:

"Eugene has focused special planning efforts toward controlling development and maintaining the scenic and environmental assets in the South Hills of the city."

COMMENT:

Eugene has fallen behind in recent years regarding the need to address special planning efforts directed at managing development and maintaining the scenic and environmental assets recognized by the South Hills Study.

CURRENT LANGUAGE:

"Lane County, Springfield, and Eugene all contribute to the local success of the Willamette River Greenway (Greenway) program."

COMMENT:

LC, Springfield, and Eugene all experience development pressures within the Willamette River Greenway. LC, Springfield, and Eugene are overdue to review permitting impacts within the WRG, including review of policy and code provisions addressing protection of Greenway. LC and Springfield have not yet established policies consistent with Goal 15, WRG.

PROPOSED:

"Lane County and the Cities of Springfield and Eugene completed the Goal 5 requirements for wetlands, riparian corridors, and wildlife habitat for the area between the UGB and the *Metro* Boundary. The three local governments jointly adopted *Metro Plan* text and policy amendments to the Environmental Resources Element to implement the Goal 5 requirements in 2004."

COMMENTS:

LC AND CITIES OF EUGENE & SPRINGFIELD WERE WORKING ON COMPLETING GOAL 5 REQUIREMENTS FOR WETLANDS, RIPARIAN CORRIDORS, AND WILDLIFE HABITAT FOR THE AREA BETWEEN THE UGB AND THE METRO BOUNDARY DURING 2004.

THE 3 LOCAL GOVERNMENTS ARE EXPECTED TO JOINTLY ADOPT METRO PLAN TEXT AND POLICY AMENDMENTS TO THE ENVIRONMENTAL

14-7

RESOURCES ELEMENT FOR AREAS [REDACTED]
[REDACTED] UNTIL SUCH TIME AS THIS JOINT ADOPTION HAS BEEN
COMPLETED, CONSISTENCY WITH GOAL 5 HAS NOT BEEN ESTABLISHED.

PROPOSED:

"In 2004, Springfield and Eugene were undertaking work to comply with Goal 5 requirements for wetlands, riparian corridors, and wildlife habitat within their respective urban growth boundaries for adoption by the applicable jurisdictional land use authorities."

COMMENTS:

In 2004, Springfield and Eugene were [REDACTED] to comply with Goal 5 requirements for wetlands, riparian corridors, and wildlife habitat within their respective urban growth boundaries for adoption by the applicable jurisdictional land use authorities."

Open Space (Goal 5)

Findings

Existing:

15. While development and in-filling have decreased the amount of open space (and associated vegetation and wildlife habitat) within the ugb, the compact urban growth form has protected open space on the urban fringe and in rural areas within the Plan Boundary.

Comments:

Eliminate 'While' –

DEVELOPMENT AND INFILLING have decreased the amount of open space & associated vegetation and wildlife habitat within the ugb; INCREASINGLY, DEVELOPMENT PRESSURE ON THE URBAN AND RURAL FRINGE IS RESULTING IN CONVERSION OF RESOURCE LAND TO RESIDENTIAL USES.

Existing:

16. Compact urban growth results in pressure on open space within the current UGB. Programs for preserving quality open space within the projected UGB become more important as the area grows.

Comments:

LACK OF PROGRAMS TO PRESERVE OPEN SPACE WITHIN THE UGB AS DEVELOPMENT PRESSURES HAVE INCREASED HAS RESULTED IN INCREASING LOSS OF OPEN SPACE AND QUALITY OF LIFE WITHIN THE UGB.

Existing:

18. Urban agriculture, in other words, backyard and community gardens, and interim use of vacant and underdeveloped parcels, provides economic, social, and environmental benefits to the community.

Comments:

Urban agriculture, INCLUDING SMALL COMMERCIAL FARMS AND NEIGHBORHOOD AND COMMUNITY GARDENS, and conversion of vacant and underdeveloped parcels provide economic, social, and environmental benefits to the community.

Air, Water and Land Resources Quality (Goal 6)

Findings

Existing:

24. The Eugene-Springfield metropolitan area has a strong potential for elevated levels of air pollution due to the surrounding mountains, which provide a barrier to ventilation and contribute to periodic episodes of stable atmospheric conditions. These conditions effectively limit dilution and dispersion of air pollutants, resulting in the build-up of concentrations near the ground.

Comments:

The e-s metropolitan area has a strong potential for elevated levels of air AND WATER pollution. The surrounding mountains provide a barrier to ventiation and contribute to periodic

episodes of Unstable atmospheric conditions THAT effectively limit dilution and dispersion of air pollutants, resulting in the build up of concentrations near the ground.

INCREASED DEVELOPMENT PRESSURES WITHIN THE WILLAMETTE GREENWAY ARE GOING UNCHECKED IN LIEU OF COMPLIANCE BY SPRINGFIELD AND LANE COUNTY WITH GOAL 15, THE WILLAMETTE RIVER GREENWAY GOAL.

Existing:

26. Based on monitoring work performed by the Lane Regional Air Pollution Agency (LRAPA), the Lane Council of Government (LCOG) and LRAPA submitted documentation demonstrating that the area meets the carbon monoxide standards since a violation of the eight-hour standard has not occurred since 1980. In 1988, LRAPA and LCOG formally requested redesignation of the area as an attainment area for carbon monoxide. The Oregon Department of Environmental Quality (DEQ) forwarded the reclassification request to the U.S. Environmental Protection Agency (EPA) Regional Office in Seattle. In January 1994, EPA redesignated the Eugene-Springfield area to attainment status for carbon monoxide. The area is currently in a 20-year maintenance period. Since redesignation, there have been no violations of the carbon monoxide standards.

Comments:

Based on monitoring work performed by the Lane Regional Air Pollution Agency (LRAPA), VIA A MONITORING STATION AT THE SOUTH END OF AMAZON PARK WHERE LITTLE OR NO COMMERCIAL LEVEL OF POLLUTANTS ARE EMITTED, the Lane Council of Government (LCOG) and LRAPA submitted documentation demonstrating that the area meets the carbon monoxide standards since a violation of the eight-hour standard has not occurred since 1980. In 1988, LRAPA and LCOG formally requested redesignation of the area as an attainment area for carbon monoxide. The Oregon Department of Environmental Quality (DEQ) forwarded the reclassification request to the U.S. Environmental Protection Agency (EPA) Regional Office in Seattle. In January 1994, EPA redesignated the Eugene-Springfield area to attainment status for carbon monoxide. The area is currently in a 20-year maintenance period. Since redesignation, there have been no violations of the carbon monoxide standards. FOR MORE EFFECTIVE MONITORING OF CARBON MONOXIDE LEVELS, MORE, OR MORE APPROPRIATELY PLACED MONITORING STATIONS ARE IN ORDER.

Existing:

27. Section 110 of the federal Clean Air Act requires state and local air pollution control agencies to adopt federally approved control strategies to minimize air pollution. The resulting body of regulations is known as a *State Implementation Plan* (SIP). SIPs generally establish limits or work practice standards to minimize emissions of air pollutants or their precursors. SIPs also include special control strategies for those areas not meeting *National Ambient Air Quality Standards* (non-attainment areas). Most of the regulations developed by LRAPA for controlling the emissions of air pollutants in Lane County are included in the Oregon SIP. The original SIP was adopted in the early 1970s in response to the 1970 federal Clean Air Act. It is amended periodically to respond to current issues.

Comments:

14-10

Include: A CURRENT ISSUE THAT WARRANTS ATTENTION IS THE NUMBER AND LOCATION OF AIR QUALITY MONITORING STATIONS WITHIN THE METRO PLAN BOUNDARY.

Existing:

28. Reduction of open space, removal of vegetative cover, and development that increases the amount of impervious surfaces (paved streets, roofs, parking lots) contribute significantly to increases in the peak volume (quantity) of urban storm runoff entering stormwater system and natural drainageways.

Comment:

Reduction of open space, removal of vegetative cover, FILLING OF WETLANDS, and development that increases the amount of impervious surfaces. . .

Existing:

30. Offsetting measures can reduce the negative effects of urban development on water quality and quantity problems. Examples include on-site retention of stormwater, inclusion of landscaped "buffer strips" adjacent to new developments and conservation and improvement of streamside vegetation along water courses.

Comment:

Offsetting measures can reduce the negative effects of urban development on water quality and quantity problems. Examples include on-site retention of stormwater, inclusion of landscaped "buffer strips" adjacent to new developments, ADEQUATE RIPARIAN AREA SETBACKS TO OFFSET DEVELOPMENT IMPACTS, and conservation and improvement of streamside vegetation PROTECTIONS along water courses.

Policies

Existing

25. Springfield, Lane County, and Eugene shall consider downstream impacts when planning for urbanization, flood control, urban storm runoff, recreation, and water quality along the Willamette and McKenzie Rivers.

Comment:

Springfield, Lane County, and Eugene shall consider downstream impacts ON WATER QUALITY when planning for urbanization, flood control, urban storm runoff, AND recreational NEEDS IN NEAR PROXIMITY TO the Willamette and McKenzie Rivers.

Existing:

29 Prior to the completion of the next *Metro Plan* update, the air, water, and land resource quality of the metropolitan area will be reassessed.

Comment:

THIS POLICY STATEMENT HAS BEEN IN THE METROPLAN SINCE THE 1980'S.
SO FAR INEFFECTIVE – CHANGE TO:
THE AIR, WATER, AND LAND RESOURCE QUALITY OF THE METROPOLITAN AREA
HAS NOT BE ASSESSED SINCE ADOPTION OF THE METRO PLAN IN 1982. Prior to the

14-11

completion of the next *Metro Plan* update, the air, water, and land resource quality of the metropolitan area MUST BE reassessed.

Policies

Existing:

33. Eugene shall maintain and improve hillside development regulations.

Comment:

EUGENE SHALL TAKE MEASURES TO IMPROVE HILLSIDE DEVELOPMENT REGULATIONS.

Additional Comments:

WHAT HAPPENED TO THE WILLAMETTE RIVER GREENWAY STUDY?

The WRG Study was to be initiated in 1995 and completed in 1997. The task was to focus on an analysis of the cumulative impact of land use actions on the Willamette River Greenway, and to update the Willamette River Greenway, River Corridors, and Waterways Element of the Metro Plan.

ADD A NEW POLICY STATEMENT TO CHAPTER III-D – “WILLAMETTE RIVER GREENWAY, RIVER CORRIDORS, AND WATERWAY ELEMENT”:

Since 1995, and continuing through the present, multiple development-related actions have been approved in the Willamette River Greenway, including the development of two new bike bridges, a temporary Interstate-5 bridge, the Riverfront Research Park, and numerous other residential and commercial activities. Additional Greenway development potential is on the horizon, pending a new Federal Courthouse, redevelopment in Glenwood, and expansion of the urban renewal district in Eugene.

SPRINGFIELD AND LANE COUNTY HAVE NOT COMPLETED WORK TO ADDRESS CONSISTENCY WITH GOAL 15, THE WILLAMETTE RIVER GREENWAY GOAL. THIS INCREASES THE VULNERABILITY OF THE GREENWAY TO POLLUTION AND DEGRADATION, AND POTENTIALLY IMPACTS THE ENVIRONMENTAL INTEGRITY OF THE WILLAMETTE RIVER.

SPRINGFIELD, EUGENE, AND LANE COUNTY WILL REVIEW PLAN POLICY AND DIAGRAM TO DETERMINE THEIR VALIDITY GIVEN THE METRO PLANS' INCONSISTENCY WITH GOAL 15. THE JURISDICITONS WILL CONDUCT A REVIEW OF HISTORICAL AND CURRENT AERIAL MAPS TO IDENTIFY GREENWAY IMPACTS, AND WILL CONDUCT AN UPDATE OF RIPARIAN STANDARDS, IF NECESSARY. A REVISION OF LOCAL ZONING AND DEVELOPMENT CODES WILL ALSO BE CONDUCTED, AS APPROPRIATE.

14-12

YEITER Kurt M

From: HEINKEL Carol A
Sent: Wednesday, February 11, 2004 3:51 PM
To: YEITER Kurt M; METZGER Mark; HOWE Kent; WIEDERHOLD Kathi M; SCHULZ Stephanie E
Subject: FW: Goal 3 and 4 issues
Categories: NoHTML

FYI

-----Original Message-----

From: SORENSON Peter
Sent: Wednesday, February 11, 2004 3:46 PM
To: 'Lauri Segel'; HEINKEL Carol A; NABETA Marguerite (SMTP)
Cc: SORENSON Peter; KELLY David S; BETTMAN Bonny S; TAYLOR Betty L; HAMPTON Don E; DWYER Bill J
Subject: RE: Goal 3 and 4 issues

carol,

i'd like to see the answers to these questions.

thanks,

pete

-----Original Message-----

From: Lauri Segel [<mailto:lauri@friends.org>]
Sent: Wednesday, February 11, 2004 11:27 AM
To: HEINKEL Carol A; Marguerite Nabeta
Cc: SORENSON Peter; Eugene City Councilor David Kelly; Bonny. S. Bettman@ci. eugene. or. us; Betty. L. Taylor@ci. eugene. or. us; Commissioner Hampton; DWYER Bill J
Subject: Goal 3 and 4 issues

Hi Carol:

Thank you for your excellent job managing the public meeting last night. I don't think anyone could have done better.

I put a lot of 'commentary' on the record, but my specific concerns are related to Goal 3 and 4 issues, which should be obvious from my written comments. I also have a concern about one of the Goal 5 findings related to the wildlife inventory in Eugene (I did not comment on that yet, but will prior to the February 20 deadline for written comments.)

I believe that my concerns are substantive enough to warrant revision prior to adoption of the Metro Plan amendments. I realize that the language I have identified as problematic is not 'new' language; the Goal 5 finding is new, however. Nevertheless I do not think it is appropriate for inconsistent policy language to be carried forward just because it wasn't identified by staff as being inconsistent with the Goals, Rules, Statutes, or Lane Code.

Will Staff be addressing these Goal 3 and 4 concerns in preparing a response to the public hearing for elected officials? Is there a need or chance for me to speak with either Department staff, or local staff, about these documented concerns?

I don't believe that the elected officials would ever be able to catch some of the nuances of inconsistencies without staff support and direction. Noone asked anything about Goals 3 and 4, but it was clear that most of the elected officials around the table last night had not had the opportunity to read the packet in it's entirety. Maybe by the time they meet next to discuss the proposals, most of them will have read the huge volume of information contained in the packet.

Please let me know how I should proceed.

Thank you again.

Lauri Segel

14-13

Lane County Planning Advocate
1000 Friends of Oregon
120 West Broadway
Eugene OR 97401

phone: 541 431 7059
fax: 541 431 7078
email: lauri@friends.org

The things you cherish today about a life lived in Oregon--

- * vibrant communities
 - * productive farm and forest lands
 - * protected coastal and natural areas
- can be a part of the legacy you leave for
future generations

Join 1000 Friends of Oregon online:
www.friends.org/support

February 10, 2004

Mayor Jim Torrey
and Eugene City Council
City of Eugene
777 Pearl Street
Eugene, OR 97401

Re: Agenda Item Number: A
Updated Metro Plan Diagram

Dear Mayor and Council Members:

In 2002, Sue Prichard, Hugh Prichard and I were retained to conduct land use evaluations and make recommendations to Eugene School District 4-J concerning disposition of school district surplus properties. Determinations have and will be made by the 4-J Board that some of these properties will remain in public or semi-public use, some sold to the City for park land and some sold to the City for land banking for needed housing. Other properties will be sold for private purposes, including medium-density residential housing and possibly commercial uses. Obviously, the Metro Plan designation of these properties is of significance for purposes of marketing the properties for a maximum return for the School District.

Two surplus school district sites are particularly affected by changes in Metro Plan designations that would be brought about by adoption of the updated Metro Plan Diagram, based upon the Regional Land Information Database (RLID). Those will be discussed below.

A. Santa Clara School Site.

Under the "OPTIONS" section of the Agenda Item Summary, this particular site is put forth as one that the Council may wish to consider additional land use diagram or text amendments that reflect new information or recent events. The AIS suggests that the proposed RLID Diagram designation of the site as Government & Education should possibly be removed because the School District has decided to discontinue use of the property as a school. The School District expects to sell the site into private ownership and use, therefore, agrees that the Government & Education designation is not appropriate.

The AIS suggests that if the Government & Education designation is removed because of the discontinuance of this site for school use, the designation would revert to Low Density Residential. The School District does not agree that this is or should be the case. While it is

**Gleaves
Swearingen
Potter &
Scott LLP**



**ATTORNEYS
AT LAW**

Phone:
(541) 686-8833
Fax:
(541) 345-2034

975 Oak Street
Suite 800
Eugene, Oregon
97401-3156

Mailing Address:
P.O. Box 1147
Eugene, Oregon
97440-1147

Email:
info@orbuslaw.com
Web-Site:
www.orbuslaw.com

Frederick A. Batson
Jon V. Buerstatte
H. Andrew Clark
Joshua A. Clark
A.J. Giustina
Vernon D. Gleaves
Thomas P. E. Hermann*
Todd R. Johnston
Kristin E. Kernutt
Stephen O. Lane
William H. Martin*
Laura T. Z. Montgomery*
Standlee C. Potter
Ian T. Richardson
Martha J. Rodman
Douglas R. Schultz
Malcolm H. Scott
James W. Spickerman
Arlen C. Swearingen
Travis L. Sydow
Kate A. Thompson
Renée C. Wyser-Pratte

*Also admitted
in Washington

15-1

true the 1987 RLID Diagram, Exhibit A, designated the school site for such use, that diagram has never been adopted as part of the Metro Plan. Moreover, the Low Density Residential designation does not reflect either present use or likely future use of this site in proximity to a busy intersection.

The only adopted Metro Plan Diagram, the 1982 "blob" Diagram, Exhibit B, more closely reflects existing and likely future land use in this area. It indicates Commercial designation extending north adjacent to both sides of River Road to include the intersection with Hunsaker Lane and Irving Road. Exhibit C is a map reflecting the present zoning of parcels in that immediate area. As is apparent, except for the commercial designation that includes all or a portion of the school site, the adopted 1982 Metro Plan Diagram approximates the present zoning in this area. Eugene School District 4-J requests that the Santa Clara School site be designated for commercial use based upon the 1982 Metro Plan Diagram and the existing development in the immediate area.

B. Westmoreland School Site.

This school site is located at the northeast corner of the intersection of 18th Avenue and City View Street. It is presently the subject of an application to rezone the site from PL Public Land to R-2 Medium Density Residential zone. The property will then be divided with the City purchasing a portion for land banking for housing and the remainder likely to be sold to a private developer or a public/private partnership for medium-density residential development or to a private educational institution for continued use of the facility.

Under the proposed Metro Plan Diagram, the site is designated for Government & Education. This is based upon the land use diagram in the applicable refinement plan diagram indicating that designation. In both the adopted 1982 Metro Plan Diagram, Exhibit B, and the 1987 RLID unadopted diagram, Exhibit A, the property is designated for Medium-Density Residential use.

In the application for change of zone, we have made the case that the text of the refinement plan recognizes the interim nature of Public Land zoning and the flexibility to apply more than one zoning district under the refinement plan diagram. The application also points out that the description of this particular area within the refinement plan area, that between City View and Garfield Streets and 18th Avenue and the Amazon Canal, is appropriate for medium-density residential housing. It is our position that the refinement plan and Metro Plan are consistent in that the refinement plan reflected the use of the school

15-2

site for the foreseeable future when the refinement plan was adopted in 1982, but also recognized the area as appropriate for medium density residential housing in the long term.

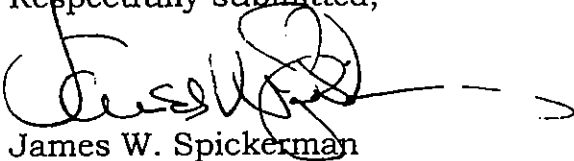
The situation points out the difficulty with amending the Metro Plan Diagram land use designations by simply applying refinement plan maps without consideration to the text and policies in either the refinement plan or Metro Plan. This is inconsistent with the text of all refinement plans, the direction of those plans as to how to use plan diagrams and the text of the Metro Plan. Furthermore, no examination is made as to whether the refinement plan diagrams might be in conflict with the Metro Plan. Where such a situation exists, the Metro Plan is to prevail.

In this particular instance, for School District 4-J, adoption of the Metro Plan Diagram as proposed would mean that if its present pending rezone application is denied, not only a refinement plan amendment would be necessary, but a Metro Plan Diagram amendment would be necessary in order to make available for another land use a 9.14-acre site that will no longer be used as a school. The designation of the site for medium-density residential use that has existed for more than 20 years will have been eliminated as a matter of housekeeping.

The site should be designated for medium-density residential use not only because it has always carried that designation on the Metro Plan Diagram but for the reason it is the most appropriate designation for the site. As the rezone application discusses, the site meets many Metro Plan policies by virtue of the location of the site for medium-density residential use, including proximity to commercial and industrial employment areas, commercial services and to transit routes.

On behalf of my client, I would request the appropriate Metro Plan Diagram designations be restored to the above two properties to reflect not only the fact that they are no longer to be used as public school sites, but to reaffirm the appropriate land use designations.

Respectfully submitted,



James W. Spickerman

jca
cc: Client

15-3

EXHIBIT B

EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN PLAN DIAGRAM

The pattern of land use, form and form
in the future of the land use and growth
shown are intended to be illustrative.

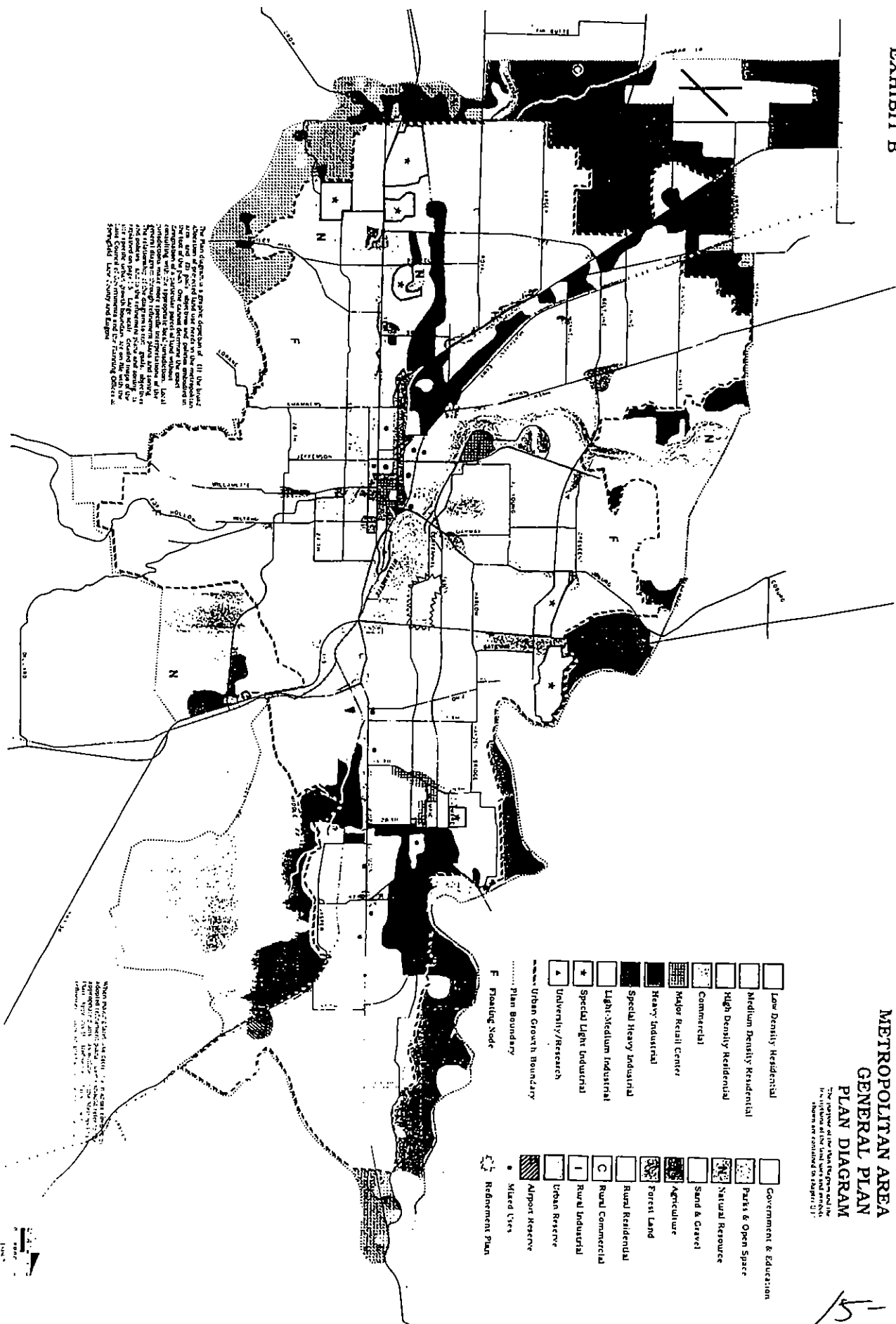
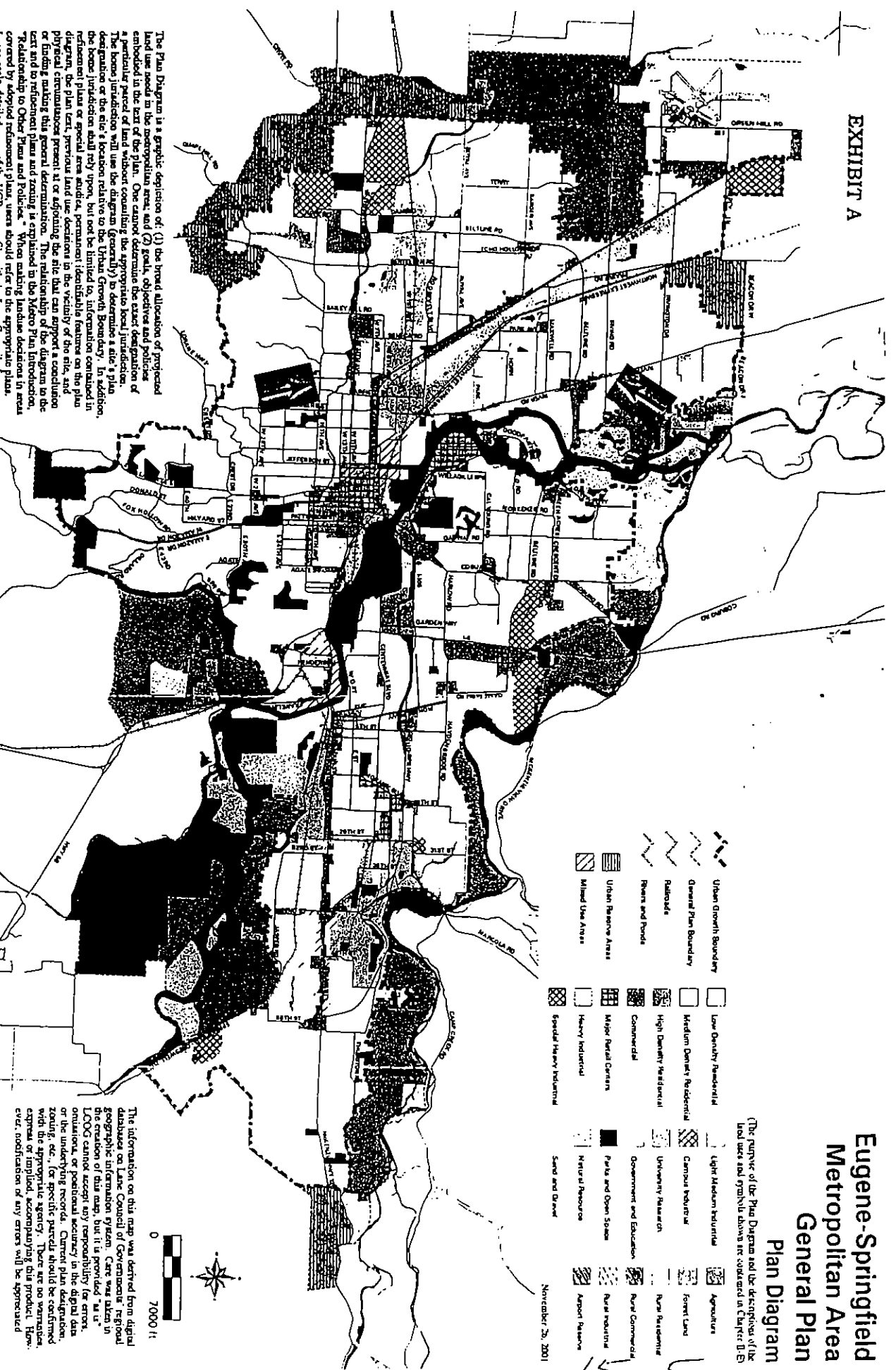


EXHIBIT A

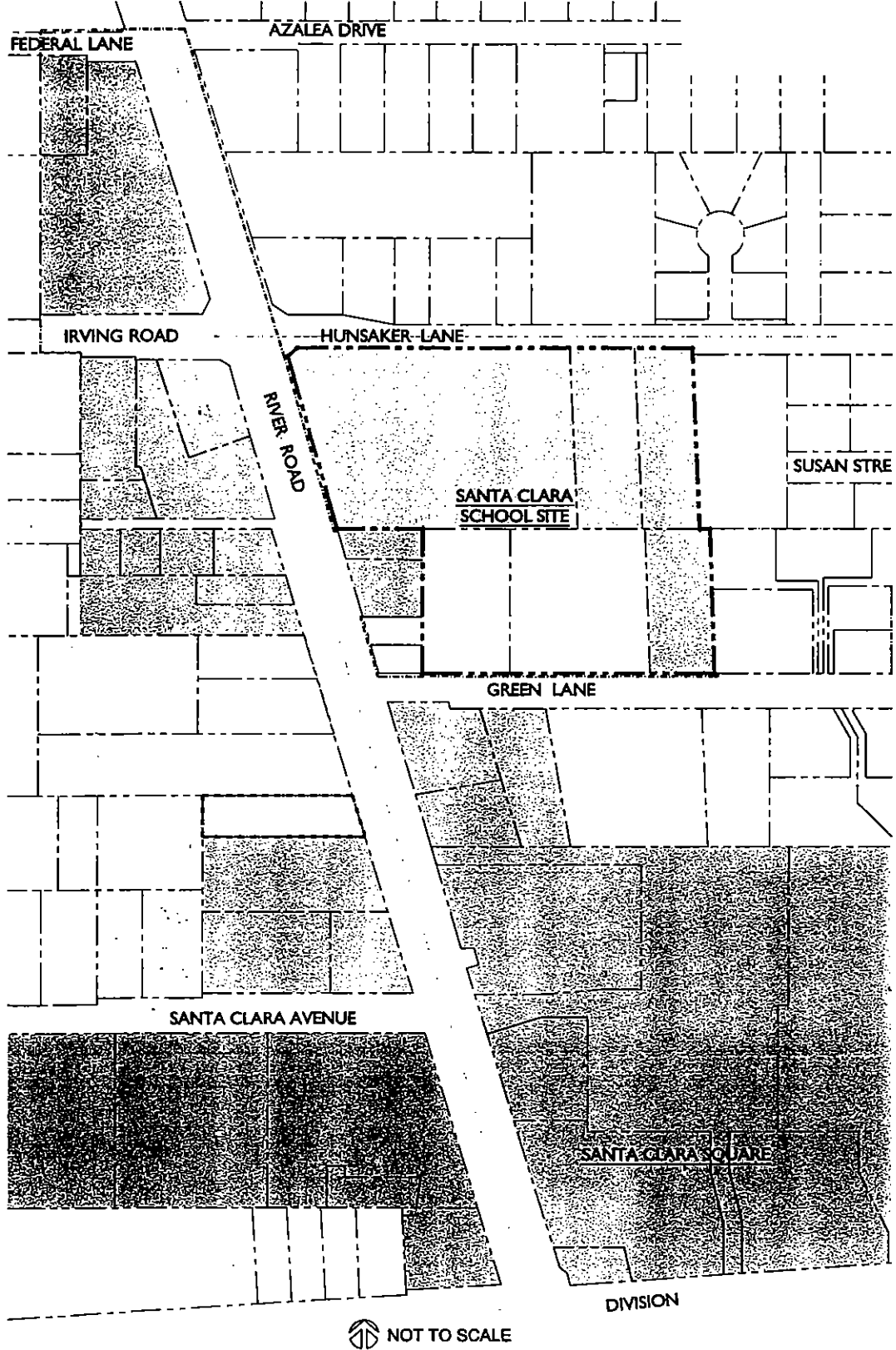
Eugene-Springfield Metropolitan Area General Plan Plan Diagram

(The number of the Plan Diagram and the descriptions of the land use and growth shown are contained in Chapter B.5)



The Plan Diagram is a graphic depiction of: (1) the broad allocation of projected land use needs in the metropolitan area; and (2) goals, objectives and policies embodied in the text of the plan. One cannot determine the exact designation of a particular parcel of land without consulting the appropriate local jurisdiction. The broad jurisdiction will use the diagram (generally) to determine a site's plan designation or the site's location relative to the Urban Growth Boundary. In addition, the broad jurisdiction shall rely upon, but not be limited to, information contained in the plan, the plan text, previous land use decisions in the vicinity of the site, and physical circumstances present, as to assigning the site that can support a conclusion or finding making this general determination. The relationship of the diagram to the text and to refinement plans and zoning is explained in the Metro Plan Introduction, "Relationship to Other Plans and Policies." When making land use decisions in areas covered by adopted refinement plans, users should refer to the appropriate plan. Large-scale, detailed maps of the UGB are on file with the Lane Council of Governments and the Planning Office of Springfield, Lane County and Eugene.

The information on this map was derived from digital databases on Lane Council of Governments regional geographic information system. Care was taken in the creation of this map, but it is provided "as is." LCOG cannot accept any responsibility for errors, omissions, or potential security in the digital data on the underlying records. Current plan designations, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, express or implied, accompanying this product. However, modification of any errors will be appreciated.



C-1	R-1	PL	----- CITY LIMITS
C-2	R-2	GO	AG

Santa Clara School Property Planning - District 4j

Current Zoning

January 2004



15-6

FEB 20 2004

February 20, 2004

Gleaves
Swearingen
Potter &
Scott LLP



ATTORNEYS
AT LAW

Mayor Jim Torrey
and Eugene City Council
C/O LANE COUNCIL OF GOVERNMENTS
99 E. Broadway, Suite 400
Eugene, OR 97401

Phone:
(541) 686-8833
Fax:
(541) 345-2034

Re: Periodic Review
Metro Plan Amending Ordinance

975 Oak Street
Suite 800
Eugene, Oregon
97401-3156

Dear Mayor and City Councilors:

Mailing Address:
P.O. Box 1147
Eugene, Oregon
97440-1147

This letter is to supplement previous oral and written comments on behalf of Eugene School District 4J pertaining to the proposed Metro Plan Diagram designation of the Westmoreland School site as Government & Education.

Email:
info@orbuslaw.com
Web-Site:
www.orbuslaw.com

As referenced in my February 10, 2004 letter, there is presently pending a change of zone for this site from PL Public Land to R-2 Medium Density Residential zone. The staff has there contended that since the Refinement Plan Diagram designates the Westmoreland School site as Public Facilities and Open Space, even though the Metro Plan designates the site as Medium Density Residential, a Refinement Plan amendment is necessary in order to rezone the property from the PL district to the R-2 district.

Frederick A. Batson
Jon V. Buerstatte
H. Andrew Clark
Joshua A. Clark
A. J. Giustina
Vernon D. Gleaves
Thomas P. E. Hermann*
Todd R. Johnston
Kristin E. Kernutt
Stephen O. Lane
William H. Martin*
Laura T. Z. Montgomery*
Standlee C. Potter
Ian T. Richardson
Martha J. Rodman
Douglas R. Schultz
Malcolm H. Scott
James W. Spickerman
Arlen C. Swearingen
Travis L. Sydow
Kate A. Thompson
Renée C. Wyser-Pratte

Submitted herewith are copies of the Applicant's Supplement to Statement for Zone Change Application and Applicant's Final Argument in Z 03-13. As is demonstrated in those documents, when the complete Jefferson/Far West Refinement Plan text and policies are considered, the change of zone to Public Land is clearly consistent with the refinement plan. Those same arguments establish that it is inappropriate to ignore the Medium Density Residential designation for the school site in the existing 1987 and 1982 versions of the Metro Plan Diagram and replace the designation with a Government & Education designation based upon simply the existence of that designation on a diagram in the Refinement Plan. To do so ignores the text of both the

*Also admitted
in Washington

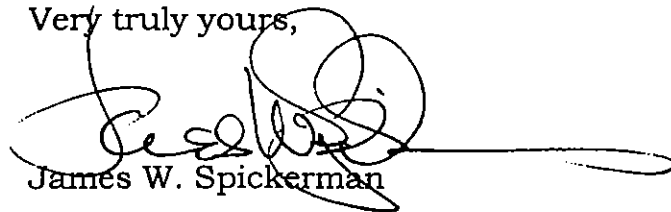
15-7

Mayor Jim Torrey and Eugene City Council
February 20, 2004
Page 2

Refinement Plan and the Metro Plan that specifies how the Diagram is to be used in relative to the text in those Plans.

The parcel should remain designated Medium Density Residential on the Metro Plan Diagram.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James W. Spickerman', with a long horizontal flourish extending to the right.

James W. Spickerman

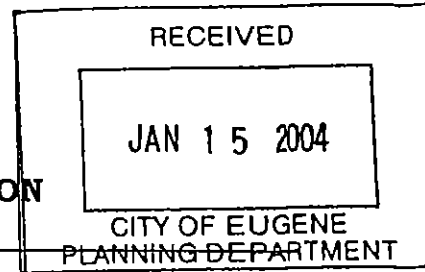
sts

Enclosures

cc: Client
Kurt Yeiter

15-8

**SUPPLEMENT TO
STATEMENT FOR ZONE CHANGE APPLICATION**



Applicant: Eugene School District No. 4-J, Lane County, Oregon
Assessor's Map: 17-04-36-33, tax lots 201 and 400
Street Address: 1717 City View

This written statement is to supplement that previously submitted with the above zone change application.

In addressing EC 9.8865 Zone Change Approval Criteria, subsection (2), at the top of page 4 of the statement, it is asserted that there is no applicable adopted refinement plan for the subject area. This statement was incorrect, as the Jefferson/Far West Refinement Plan, adopted in 1983, is applicable to the subject area. This supplementary statement will address the issue of consistency with the applicable refinement plan.

The Jefferson/Far West Refinement Plan Land Use Diagram (p. 18) designates the Westmoreland School site as Public Facilities & Open Space. Adjacent to the diagram itself is a section entitled "How to Use the Land Use Diagram (and How Not To)." That section states:

"The Land Use Diagram and the accompanying text is meant to be used along with other policies in the Jefferson/Far West Refinement Plan and applicable City goals, policies, and plans to evaluate individual land use proposals. It is intended to be a guide for both public and private developments in the area.

The Land Use Diagram is not a zoning map. In nearly every case there is more than one zoning district which, if applied, would be consistent with the suggested land use pattern."

As discussed below, this qualification pertaining to the use of the Land Use Diagram is of particular applicability to the Public Facilities & Open Space designation and this particular parcel.

The Public/Civic category in the Refinement Plan is discussed at page 8 of the plan and includes the following language:

"2. Within the plan area approximately 109 net acres of land are zoned PL Public Land. There are a variety of uses on these lands including: County Fairgrounds, Westmoreland Family Housing, elementary schools, military reserve bases, public library, and parks. In general, the PL District allows any use that is consistent with the regular operation of the public agency that owns it. *It is intended as an interim measure until another zoning district is applied and specific uses are either outright or conditional.*" (Emphasis supplied.)

The emphasized language acknowledges the peculiar nature of public land plan and zoning designations. They are unique in land use regulation inasmuch as they allow virtually any use if land is owned and used by a government agency but once governmental use and ownership ceases, appropriate zoning designations must be put into place. The present Eugene Code recognizes this fact in the form of EC 9.2681(2) quoted and discussed pursuant to criterion 9.8865(4) in the original written statement.

It should be noted that there are Policies and Implementation Strategies for the Public/Civic designation set forth at page 16 of the Refinement Plan. A review of those policies and implementation strategies, however, provides no assistance in evaluation of this proposed zone change.

The Jefferson/Far West Refinement Plan Land Use Diagram references specific plan areas within the overall Refinement Plan area. The relevant Far West plan area is 3. West Medium - Density Residential Area, discussed at page 21 of the Refinement Plan. The only policy stated is as follows:

"This area shall be recognized as appropriate for medium-density housing. The City shall consider rezoning land designated PL Public Land and in use as Westmoreland Family Housing to reflect existing development. The City shall improve and maintain public access for bicyclists and pedestrians along the Amazon Canal and crossing the Amazon Canal easement."

The zone change proposed is for medium density residential zoning and it is within this area. The Westmoreland School site is destined for private ownership and use, therefore, should be recognized, at this point, as appropriate for medium-density housing.

Listed as No. 10 among the Far West Areas is one area that is not a geographical area as the others described. This is listed under Land and Public Ownership as 10. Public Facilities & Open Space at page 25 of the Refinement Plan. The findings reference the various lands in public ownership in the Far West neighborhood. The only Policy stated is as follows:

"Land owned by the City along the Amazon Canal shall be improved and maintained as public open space."

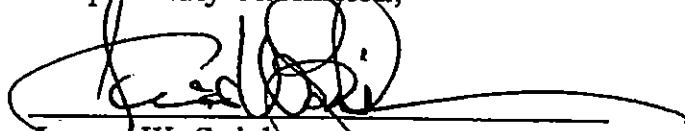
As is apparent, there is no such direction pertaining to land owned by public entities other than the city or to other land owned by the city. Following this one policy statement, there is a note referencing policies in the Public Facilities & Services Element of the plan. Page 44 of the plan sets forth Policies Pertaining to Educational/Recreational/Leisure Resources. There are no policies inconsistent with the direction of the text of the refinement plan to recognize the subject site as appropriate for medium density housing.

It is submitted that the proposed rezoning is consistent with the text of the Jefferson/Far West Refinement Plan even though, if the text was not considered, it would appear to be at odds with the plan diagram. With respect to the diagram, the plan directs that it not be used as a zoning map and that it be used with other policies in the Refinement Plan and applicable city goals and policies, including the Metro Plan, to evaluate individual land use proposals.

Of course, even if it could be argued that the rezoning was inconsistent with the Jefferson/Far West Refinement Plan, the Refinement Plan would then be inconsistent with the Metro Plan and, by the plain language of EC 9.8865(2), the Metro Plan controls. As discussed in the original written statement, the Metro Plan Diagram and text clearly establishes the appropriateness of this parcel for medium density residential development.

Date: January 15, 2004

Respectfully submitted,



James W. Spickerman
Attorney for Applicant

February 11, 2004

HAND DELIVERED

Virginia Gustafson
Hearings Official
c/o City of Eugene Planning & Development
99 West 10th Avenue
Eugene, OR 97401

Re: Eugene School District 4-J (Z 03-13)
Applicant's Final Argument

Dear Ms. Gustafson:

This final argument will deal solely with the staff's contention that the proposed change of zone is inconsistent with the Jefferson/Far West Refinement Plan and that a change of zone could only be accomplished by amendment of that refinement plan. The applicant has discussed the issue in both the Supplement to the Statement for Zone Change Application and Applicant's Response to Staff Report. The detailed arguments set forth in those documents will not be repeated but referenced in this final summary.

It is submitted that the staff's position is predicated upon the assumption that the Jefferson/Far West refinement plan Land Use Diagram (p. 18) controls the issue without regard to the text of the refinement plan and the Metro Plan. The applicant contends that, if the text of the refinement plan is afforded its intended role under the language of the plan, the zone change is consistent with the refinement plan.

The Supplement to Statement (Staff Report, p. IV-15) discusses language in the plan describing how the Land Use Diagram is to be used. As there quoted:

"The Land Use Diagram and the accompanying text is meant to be used along with other policies in the Jefferson/Far West refinement plan and applicable City

CITY OF EUGENE
PLANNING & DEVELOPMENT SERVICES
FEB 11 2004
RECEIVED

**Gleaves
Swearingen
Potter &
Scott LLP**



**ATTORNEYS
AT LAW**

Phone:
(541) 686-8833
Fax:
(541) 345-2034

975 Oak Street
Suite 800
Eugene, Oregon
97401-3156

Mailing Address:
P.O. Box 1147
Eugene, Oregon
97440-1147

Email:
info@orbuslaw.com
Web-Site:
www.orbuslaw.com

Frederick A. Batson
Jon V. Buerstatte
H. Andrew Clark
Joshua A. Clark
A. J. Giustina
Vernon D. Gleaves
Thomas P. E. Hermann*
Todd R. Johnston
Kristin E. Kernutt
Stephen O. Lane
William H. Martin*
Laura T. Z. Montgomery*
Standlee G. Potter
Ian T. Richardson
Martha J. Rodman
Douglas R. Schultz
Malcolm H. Scott
James W. Spickerman
Arlen C. Swearingen
Travis L. Sydow
Kate A. Thompson
Renée C. Wyser-Pratte

*Also admitted
in Washington

15-12

goals, policies, and plans to evaluate individual land use proposals...."

The language goes on to state specifically that the Land Use Diagram is not a zoning map and more than one zoning district may be consistent with the suggested land use pattern.

Bearing in mind this direction of the plan, the Supplement to Statement (Staff Report, pp. IV-15, 16) discusses the Public/Civic category in the plan which specifically recognizes that the PL district is intended as an interim measure until another zoning district is applied and specific uses are either outright or conditional. The plan tacitly recognizes that, once public ownership and use ceases for the PL designated parcel, an appropriate zoning designation must be put into place.

The Supplement to Statement (Staff Report, p. IV-16) points out that the plan text that addresses the particular area that includes this development, the West Medium-Density Residential Area, states that this area shall be recognized as appropriate for medium-density housing. This statement is made without qualification or exclusion of the Westmoreland site even though that site would appear to make up nearly 25 percent of the West Medium-Density Residential Area.

The staff's only argument that goes beyond applying the Land Use Diagram the same as a zoning map would be applied and attempting to address the refinement plan in more circumspect manner is set forth at the lower half of page IV-5 of the staff report. The staff points out that the school site and the U of O housing site are shown on the existing Land Use Patterns but that the policy pertaining to the West Medium-Density Residential Area only calls for consideration of rezoning the land designated as PL and used as Westmoreland family housing to reflect the existing development.

It is difficult to understand how this distinction in the policy is very telling. The policy simply calls for putting a residential designation on an existing residential development (irrespective of its public ownership). The fact that the policy does not call for putting a residential designation on a school that was in full operation and would be for the foreseeable future gives no meaningful indication of how the refinement plan should be construed presently. The fact is that the plan specifically indicates the property is appropriate for medium-density residential use.

15-13

The section of the refinement plan for the Far West Areas entitled "Land in Public Ownership" is discussed in the Supplement to Statement (Staff Report, pp. IV-16, 17). This would be the logical section for the text of the plan to indicate that the school site was to remain in public use beyond its use for a school site. There is no such indication, as the only policy in the section specifies only that land owned by the City along the Amazon Canal be improved and maintained as public open space. This section references the Public Facilities & Services Element of the plan and this element contains no policies inconsistent with the site's eventual use for medium-density residential housing.

In summary with regard to the text of the refinement plan, no language, much less policies, has been cited to suggest that the plan does nothing more than recognize a school that was somewhere in its mid-life while also recognizing the area was appropriate for medium-density residential use.

The refinement plan language also calls for the Land Use Diagram to be used in conjunction with applicable City goals, policies and plans which means that the refinement plan Land Use Diagram must be used in the context of the Metro Plan as well. The Metro Plan Diagram clearly shows this school site as appropriate for medium-density residential use. This designation should be used in the context of the Metro Plan Diagram wherein many public school sites are designated Government and Education.

The policies of the Metro Plan must be considered as well. The Statement for Zone Application demonstrates that the rezoning is consistent with at least five policies of the Metro Plan (pp. IV-11, 12). The location's proximity to employment areas, commercial services and transportation facilities, existing and planned, make apparent the reasons the Metro Plan and the text of the refinement plan deem this site appropriate for medium-density residential development.

It is recognized that in many instances, refinement plans do in fact "refine" the general direction set out in the Metro Plan Diagram and text. Usually there is some text in those refinement plans that discuss the intent of such refinement and plan diagrams. In this instance, the plan merely designates the school site in accord with what existed there and what exists for the foreseeable future. If the intent was to keep the parcel in public use beyond the life of the school, that intent would be reflected in the appropriate sections of the refinement plan discussed above. That is not the case.

15-14

As has been previously argued, if the refinement plan must be read as specifying the Public Facilities & Open Space designation, the plan is in conflict with the Metro Plan Diagram and text and the Metro Plan designation prevails. It is submitted that the analysis does not proceed to that juncture, however, if the refinement plan is construed as the text of that plan would direct.

Respectfully submitted,



James W. Spickerman

jca

cc: Client
Patricia Thomas (by e-mail and hand delivery)

15-15



February 10, 2004

Mayor Jim Torrey and Eugene City Councilors
City of Eugene
777 Pearl Street
Eugene, OR 97401

Subject: Metro Plan Periodic Review Text and Diagram Amendments

Dear Mayor and Councilors:

On behalf of Eugene School District 4J, I would like to express my concern in regard the proposed adoption of the proposed plan diagram for the Metropolitan Area General Plan, specifically in regard to the Government and Education designation for the Santa Clara Elementary School property.

Santa Clara Elementary School was closed in June of 2002. The property has been classified as surplus and the District is currently engaged in a process to pursue re-zoning of the property in advance of marketing the property for sale. The property is currently zoned a mixture of PL (Public Lands) and C-1 neighborhood commercial.

The property is adjacent to General Commercial, Neighborhood Commercial, Medium Density Residential and Low Density Residential. Of all of these adjacent zones the least likely candidate for re-zoning or re-development of the property is low density residential.

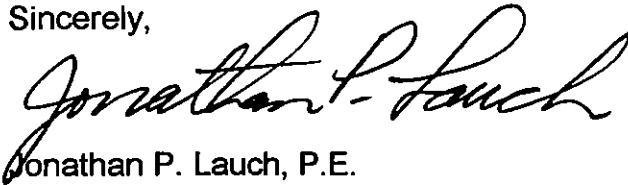
Staff has suggested that the Council may consider additional land use diagram or text amendment changes to reflect new information or recent events. The Santa Clara property is used as an example where you might consider removing the Government and Education designation and we are supportive of this approach. However, staff further suggests that the designation would revert to Low Density Residential. Here is where we differ.

We assume that the Low Density Residential designation is derived from the 1987 RLID diagram which was, to my knowledge, never adopted. My understanding is that the current diagram that applies to this property is the 1982 Metro Plan diagram which shows an undefined amount of commercial property suggested along River Road frontage. This is a sensible conclusion given that the predominant street exposure of the property is to the busy intersection of River Road and Hunsaker Lane.

15-16

We have been working with planning consultants to review the property potential options for redevelopment and if anything has become clear through this work it is that more commercial designation (rather than less) would lend toward greater development flexibility which we believe would better serve the local area. The District is also interested in maximizing the potential revenue from the sale of the property and the local real estate market has confirmed a strong demand for this site for redevelopment. If you move toward adopting the proposed diagram, we encourage an amendment to remove the Government and Education designation and request that consideration be given toward an increase in the commercial land use designation.

Sincerely,

A handwritten signature in black ink, reading "Jonathan P. Lauch". The signature is fluid and cursive, with the first name "Jonathan" being more prominent than the last name "Lauch".

Jonathan P. Lauch, P.E.
Assistant Director of Facilities Management

Copy: George Russell – Superintendent, School District 4J
Bill Hirsh – Director of Facilities Management and Transportation
Services, SD 4J

15-17

February 10, 2004

To the Eugene City Council, Springfield City Council
And the Lane County Board of Commissioners


Re: Metro Plan Diagram Amendments
Tax account number 722031 and 722239

Ladies and Gentlemen,

As an owner of land directly impacted by your proposed removal of the Urban Reserve Designation, I am writing to voice my concerns and opposition to this plan. I seriously question the adequacy of the current inventory of developable land within the urban growth boundary. Your proposal to remove the designation of Urban Reserve will no doubt make it more difficult, if not impossible, to annex our property in years to come.

The value of my land will be diminished if your proposal goes through. I had reasonable expectations that my land would eventually become developable because of its Urban Reserve designation. Now, that expectation will not be realized.

I have seen the Home Builders Association's comments regarding this matter and I want to go on record as seconding them. It is imperative that the inventory of developable land be increased as soon as possible.


Jack Ward



City of Eugene
99 West 10th Avenue
Eugene, Oregon 97401
(541) 682-5377
(541) 682-5572 FAX
www.ci.eugene.or.us

MEMORANDUM

Date: February 10, 2004

To: Eugene Mayor and City Council
Springfield mayor and City Council
Lane County Board of Commissioners

From: Kurt Yeiter, Principal Planner, City of Eugene *KY*

Subject: Metro plan Land Use Diagram Amendment
Tax lot 300, Assessor's Map 17-04-02-34

Information received with a zone change application subsequent to the Planning Commissions' recommendation on the Metro Plan Land Use Diagram indicates that the draft diagram may have incorrectly designated a portion of Tax Lot 300, Lane County Assessor's Map 17-04-02-34, as Commercial. The following information and attached maps are entered into the record so that the diagram may be corrected prior to adoption.

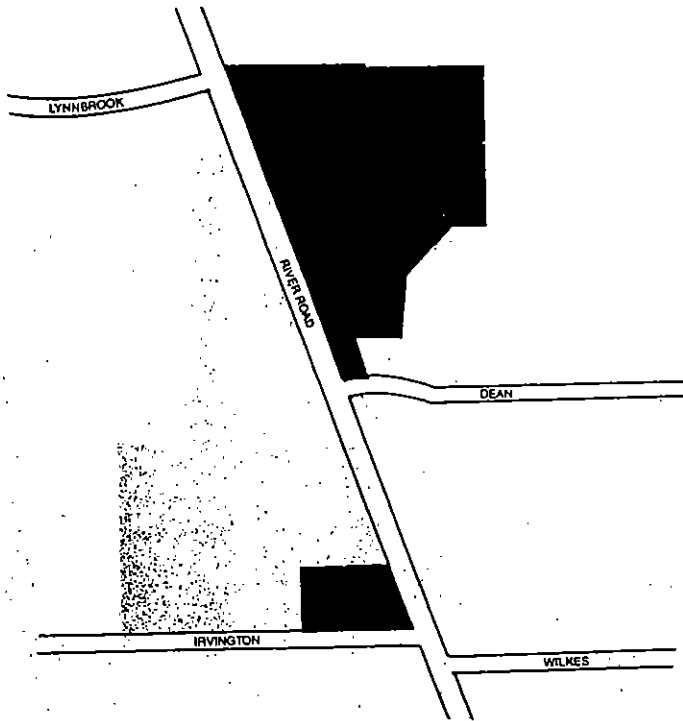
Quick research finds that the basis for designating several properties at the northwest corner of Irvington Drive and River Road comes from the River Road - Santa Clara Urban Facilities Plan, Land Use Element, Subarea L: River Road/Wilkes, Policy 7, (page 2-35). Policy 7 states:
"Designate neighborhood commercial development for two acres on the northwest corner of Irvington and River Road. Only commercial developments making unified use of the one or more acres and with access limited to Irvington Drive shall be allowed in the area."

If the south half, full width of Tax Lot 300 is included in this commercial land use designation, then there would be 3.12 acres designated commercial, not the 2 acres as stated in Policy 7. If the south half, full width of Tax Lot 300 is eliminated, then only 2.38 acres of land would be designated as commercial.

RLID records show that Tax Lot 300 and all of the other properties near the northwest corner of Irvington Dr. & River Road are designated for Low Density Residential, because the Metro Plan was never updated with the RR-SC Urban Facilities Plan designations. The Low Density Residential designation is consistent with the property owner's zone change application.

17-1

I. River Road/Wilkes



Description

This subarea is characterized by a centrally-located commercial node. Approximately half of the area is undeveloped. It contains the northern extent of neighborhood commercial use. The commercial node properties were rezoned in 1950 and late 1960. Commercially-zoned lots west of River Road are primarily in single-family use, while east of River Road the lots are in commercial use. Property at the northwest corner of Irvington and River Road was rezoned in 1980 and has not yet been developed.

Recommendations

1. Consolidate commercial development for property south of Swain Lane and bounded by the slough on the east and Greenwood Street on the south.
2. Rezone split-zone tax lots.
3. Designate medium-density development on the easterly portion of the large undeveloped parcel north of Swain Lane.
4. Designate community commercial development on the westerly portion of the large undeveloped parcel north of Swain Lane. Only commercial developments making unified use of five or more acres shall be allowed in the area.
5. Encourage commercial development contiguous to existing commercial uses east of River Road.
6. Encourage low-density zoning for property south of Brotherton, across from River Loop #2.
7. Designate neighborhood commercial development for two acres on the northwest corner of Irvington and River Road. Only commercial developments making unified use of one or more acres and with access limited to Irvington Drive, shall be allowed in the area.

I.M.

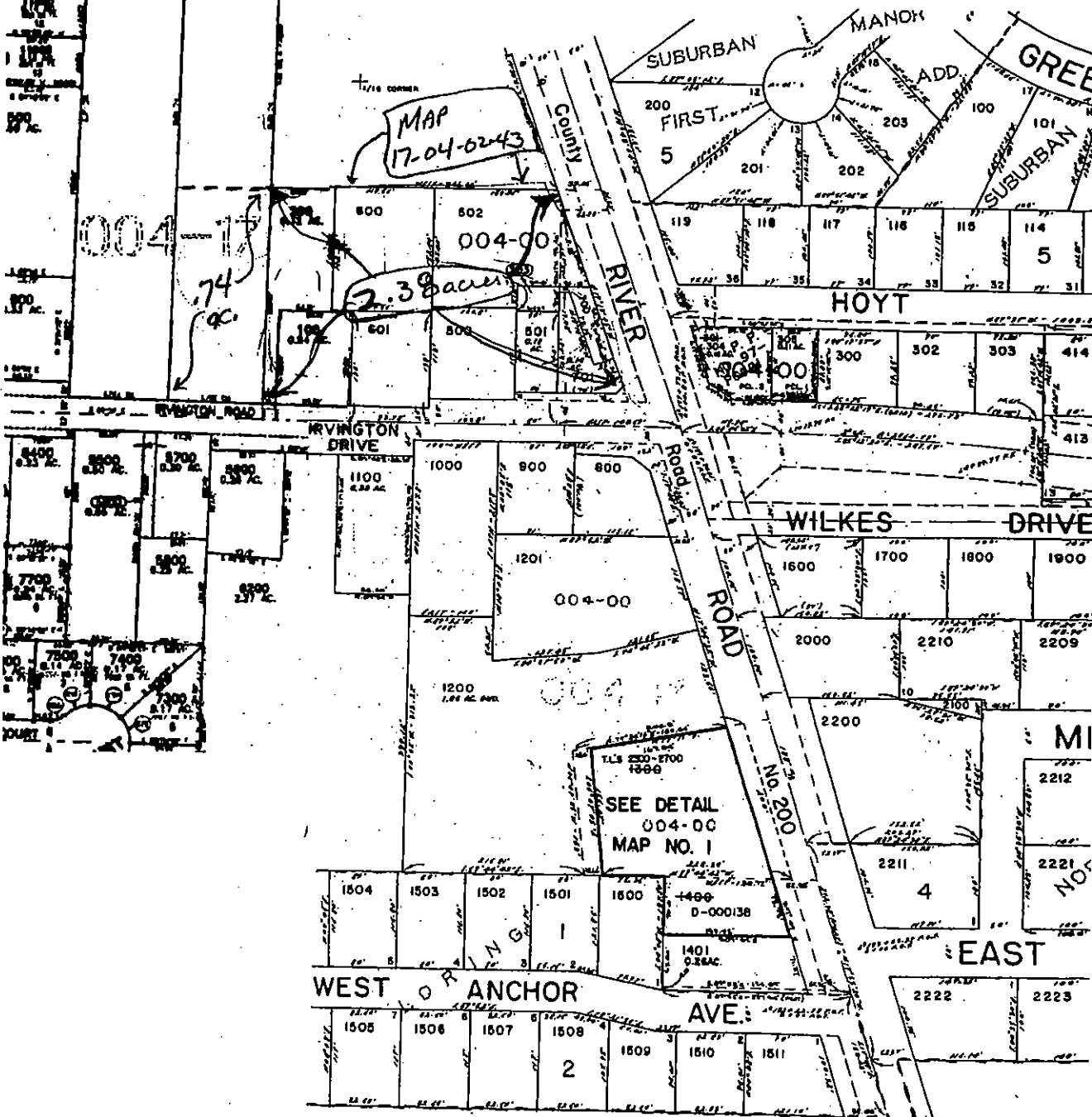
SEE MAP 17 04 02 3

17 04 02 34

NAD 27

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

CANCELLED



17-3

WIEDERHOLD Kathi M

From: NOBLE Bob P
Sent: Monday, February 09, 2004 2:40 PM
To: WIEDERHOLD Kathi M
Subject: RE: UPDATE OF METRO PLAN NOISE FINDING

Importance: High

Kathi,

I left a voice mail for you. I am editing the version you sent :

3121. The City of Eugene Mahlon Sweet Field Airport Noise Exposure Impact Boundary Analysis, April 2000, ~~November 1980~~, was found to be in compliance with state airport noise standards by the State of Oregon Department of Environmental Quality. ~~in January 1981.~~

-----Original Message-----

From: WIEDERHOLD Kathi M
Sent: Wednesday, January 28, 2004 9:57 AM
To: NOBLE Bob P
Subject: RE: UPDATE OF METRO PLAN NOISE FINDING

Bob, just a gentle reminder to check on this, please. Our meeting with the elected officials on this is Feb. 10. thanks.
kathi

-----Original Message-----

From: NOBLE Bob P
Sent: Wednesday, January 07, 2004 11:30 AM
To: WIEDERHOLD Kathi M
Cc: Tom Schnetzer (E-mail)
Subject: RE: UPDATE OF METRO PLAN NOISE FINDING

I will have to research this just a bit. Do I have a deadline? BN

-----Original Message-----

From: WIEDERHOLD Kathi M
Sent: Wednesday, January 07, 2004 11:09 AM
To: NOBLE Bob P
Subject: UPDATE OF METRO PLAN NOISE FINDING

Hi Bob, we (planners from LCOG and the 3 jurisdictions) are updating Metro Plan Chapter III-C Environmental Resources, which contains findings and policies about noise. Would you please edit the following finding to update it? In particular, are there more recent dates for the analysis and compliance? The legislative format reflects proposed changes to the existing finding. Thanks.

3121. The City of Eugene Mahlon Sweet Field Airport Noise Impact Boundary Analysis, November 1980, was found to be in compliance with state airport noise standards by the State of Oregon Department of Environmental Quality in January 1981.

ATTACHMENT C
Minutes of Elected Officials' Meetings
Providing Direction to Remove Urban Reserves

Joint Elected Officials Meeting 11/28/2000

would have a working draft with an indication of early priorities to be pursued through federal and state partners. He said if they proceeded beyond that, then next would be citizen outreach. He said it would cost \$50,000 and be completed within three years, and not cost beyond \$150,000.

Burge said the need for open space and concepts of the plan are vital to livability. He also had interest in urban waterfront property.

Adams stated he didn't find growth appealing and saw this process as a first glimmer to preserving livability. He was concerned about the process getting around personal property rights versus the good of everyone. He said this was necessary and hoped that the plan would be like Portland's plan.

Ballew wanted to use the MPC for conflict resolution and didn't know if planning for parks was the place to send it.

Sorenson said open space is an asset and they need to put energy into protecting it. He said they have a public acquisition project of crucial open spaces, and he sees incentives for private property owners

Torrey was supportive and liked the legislative intent. He said the record would indicate they had all brought concerns.

VOTE OF EUGENE CITY COUNCIL: Unanimous

Kelly noted there were also youth recreation needs. He suggested a possible recreation district.

VOTE OF LANE COUNTY BOARD OF COMMISSIONERS: 5-0.

VOTE OF CITY OF SPRINGFIELD: Unanimous

VOTE OF WILLAMALANE: Unanimous

MOTION: City of Eugene to approve \$20,000 from the FY 2001 Budget for a study subject to approval and study by other jurisdictions.

Nathanson MOVED, Pape SECONDED.

VOTE: Unanimous.

Van Vactor noted that Lane County would have to amend the by-laws for the MPC study.

There being no further business for the Willamalane Parks and Recreation District, Chair Hastings adjourned the meeting at 6:45 p.m.

3. Metro Urban Reserve Study.

- Item 1, Peter Watt, LCOG; Item 2, Steve Gordon, LCOG; Item 3, Clair Van Bloem,

LCOG

Clair Van Bloem, LCOG, explained that urban reserves are defined as lands outside the urban growth boundary that are high priority for inclusion in the urban growth boundary when additional land is needed. She noted that urban reserves were not needed for the 20 planning year period for which the urban growth boundary was created. She said the current adopted Metro Plan has three urban reserve areas identified: on east Thurston, in the Willowcreek area and one north of Santa Clara. She said this study was part of the Metropolitan Periodic Review of the Metro Plan and it was identified as part of the work program during the evaluation process. She noted the evaluation concluded that the existing Metro Plan urban reserves met only some of the requirements of the urban reserve Administrative Rule. She said as staff reviewed the existing urban reserve in relation to the rule, it appeared the reserve did not meet the criteria for inclusion, but other areas did.

Jim Croteau, City of Eugene, reported that when the urban reserve areas were identified they made the most sense for the next extension for the urban growth boundary. At that time, staff factored in public services and preservation of agriculture soils, with balancing factors. He said the rule that is in effect now from the state follows a cookbook-type approach in establishing urban reserve areas. He said they now have a priority process for urban growth boundary expansions. He noted the first priority in designating land as urban reserves are lands designated "exception." He said the second priority (if the urban land needs could not be met by the first priority) would be "marginal lands." He said if urban land needs could not be met with either the first or second priority, then resource lands are allowed.

Van Bloem stated they developed preliminary residential demand for land needs 10, 20, and 30 years beyond the 20 year planning period. She said a preliminary analysis indicated a low of 3,380 acres for ten years beyond the planning period to a high of 11,900 acres for 30 years beyond the planning period. She noted they were looking at land for residential use and the net density assumed was 7 units an acre. She said staff would like to plan for a mix of housing types and support residential land uses like neighborhood commercial that would be higher density, but it would depend on the type of land that was in the urban reserve. For example, it would be difficult to achieve higher densities if the urban reserves were in hilly terrain.

Mark Metzger, City of Springfield, stated they wanted direction on the elected officials' interest in continuing to have urban reserves in the Eugene-Springfield metro area. He stated that staff had identified some advantages or disadvantages of having urban reserves. He said it is helpful to plan where to grow and develop for major infrastructure. He said the state would accept the application to bump out into the urban reserve because they had done the analysis up front. He added that the urban reserves provide certainty for the development community. He said that long range costs might be reduced if they did the analysis now, as opposed to ten years from now. He said having urban reserves let them place the policies that help prevent large chunks of land from being chopped up.

Croteau hoped that the jurisdictions would have taken action tonight. He said it was not required for a jurisdiction to have urban reserves, it is a local voluntary action. He said the planning directors had discussed this and were recommending not continuing

to have urban reserves.

Kelly agreed with Weeldreyer. He said they would need to have flexibility. He was supporting staff recommendation by not going ahead with urban reserves. He said they need to face geographic realities and place development in the future.

Bill Dwyer, Lane County Commissioner, said that each jurisdiction needed to have a thorough discussion about the ramifications of the alternatives, separately. He said they have to see who would really be impacted. He was not prepared to act on this.

Pat Farr, Eugene City Councilor, stated he didn't want Eugene to look like Seattle and the lack of density in Eugene makes it a desirable place.

Croteau stated that it had been proposed for the jurisdictions to have separate work sessions and staff would go back to the planning directors to work on it. He said the meetings would take place after the first of the year.

Springfield City Councilor Ballew recessed the meeting of the Springfield City Council at 7:15 p.m.

Mayor Torrey recessed the meeting of the Eugene City Council at 7: 15 p.m.

Commissioner Sorenson recessed the meeting of the Lane County Board of Commissioners at 7:15 p.m.

Melissa Zimmer
Recording Secretary

MINUTES

Eugene City Council -

Work Session

McNutt Room--City Hall

February 21, 2001

Noon

COUNCILORS PRESENT: Betty Taylor, David Kelly, Nancy Nathanson, Pat Farr, Scott Meisner, Gary Rayor, Gary Papé, Bonny Bettman.

CITY COUNCIL WORK SESSION

A. Metro Urban Reserve Study

Jim Croteau of the Planning and Development Department joined the council for a presentation on the Metropolitan Urban Reserve Study. He introduced Clare VanBloem of Lane Council of Governments, who was present to assist with the presentation. Mr. Croteau provided the council with the history of the concept of urban reserves and said the study was initiated due to State changes in the rules regarding urban reserves. He called the council's attention to the State criteria for urban reserves, included in the meeting packet, and emphasized that urban reserves were not required by the State or the Eugene-Springfield Metropolitan General Area Plan.

Mr. Croteau noted the location of urban reserves established in the Eugene-Springfield metropolitan area on a wall map. He noted that the need for urban reserve land must first be met by nonresource areas, then by marginal lands, and finally, if the community could not meet its needs for urban reserves, resource areas. He pointed out that most of the urban area in Eugene-Springfield was surrounded by resource lands.

Mr. Croteau said the Eugene Planning Commission discussed the information contained in the study and recommended to the council that the urban reserves be eliminated. He noted that motions reflecting several options were included in the meeting packet.

Responding to a question from Ms. Taylor regarding the options if the three jurisdictions did not agree on the subject of whether there should be urban reserves, Mr. Croteau referred her to the dispute resolution process overseen by the Metropolitan Policy Committee (MPC).

In response to a question from Ms. Bettman, Mr. Croteau clarified that the process for bringing land into the boundary was the same as establishing urban reserves; the City must still go through an evaluation to determine which lands have the most resource value. He said the Metro Urban Reserve Study was valuable because it provided the needed analysis if the community later decided to add back urban reserves. Mr. Croteau noted that State law also stipulates that the City must provide a 20-

year land supply when it expands its urban growth boundary.

Mr. Farr confirmed with staff that land in the urban reserve probably had a higher value than land outside the urban reserve, although Mr. Croteau believed it would take an appraiser to make that determination. Mr. Farr asked if Measure 7 affected the study. City Attorney Glenn Klein said that the answer was probably no, because Measure 7 applied where a regulation was in place restricting the use of a property. It depended on what action the council took. If the council proposed to downzone property, that could trigger a Measure 7 claim. Mr. Farr suggested that the vagueness of Mr. Klein's answer meant the City could expect some sort of challenge if it changed the future use of the land in question. He observed, however, that the urban reserve areas were the first in line to be included in the city and hence, the first to have any zoning changes that might increase the value of the land.

Mr. Kelly noted that the staff notes indicated that it was not clear that the land already designated as urban reserves still qualified under State administrative rules. Mr. Croteau agreed. If the community was to do a new study, the areas now designated as urban reserve would likely not meet the new rules and, in the event of a new study of appropriate locations for urban reserves, would not be at the top of the list because of their designation and zoning as resource lands. Mr. Kelly said it appeared that whatever the City did, the State had changed the roles of those properties. Mr. Croteau concurred.

Mr. Kelly confirmed the City could expand the urban growth boundary without having urban reserves. He asked if Eugene was freer to expand in the absence of urban reserves. Mr. Croteau said somewhat, but the process for evaluating what was taken into the boundary had to take into account the location of resource lands. If the City decided to establish reserve areas and later expanded the boundary, the State law stipulated that nonresource areas were the first the community must move into.

Mr. Kelly said it was significant to him that the planning directors of the three jurisdictions agreed the correct approach was to drop the urban reserve.

Mr. Meisner asked if it was easier to bring urban reserves into the boundary as opposed to newly identified land. Mr. Croteau said yes, because the analysis was already done. Mr. Meisner suggested that the City invited speculation by creating urban reserves, because there was the expectation those lands would be brought into the city. He supported the recommendation of the planning directors.

Mr. Papé asked if the urban reserves helped address the 20-year land supply requirement. Mr. Croteau clarified that the requirement was only triggered if the boundary was expanded. Mr. Papé asked if Springfield could have urban reserves if it wished. Mr. Croteau said Springfield could not make a unilateral decision about changes to the Metropolitan Plan without Eugene and Lane County's concurrence. He said that it was possible the two cities could agree one would have urban reserves and one would not.

Ms. Nathanson concurred with the recommendation of the planning directors and the Planning Commission. She found the requirement for a 20-year supply to be problematic. She noted her previously discomfort with parcelization and planning for large-scale development rather than small-scale development. She thought Eugene was more supportive of planning for small-scale development, with fine-tuning of how neighborhoods should develop. Ms. Nathanson expressed appreciation for the format of the staff memorandum, saying after reviewing the disadvantages of the reserves and balancing those against her own sentiments and new development patterns, she did not

support urban reserves.

Mr. Farr agreed with Mr. Kelly that the agreement of the planning directors was significant. He asked if Springfield would support the recommendation. Mr. Croteau said the Springfield council would hold a similar work session. He added that the urban reserves in Springfield were difficult to serve, and if Springfield was to establish a new urban reserve area it was unlikely to be the one that existed now.

Mr. Rayer asked what cities in Oregon had urban reserves. Mr. Croteau said that Portland attempted to establish one but it had been appealed. Now, Newberg, Oregon was the only city with urban reserves.

Ms. Bettman also concurred with the planning directors' recommendation. She said that it was her understanding that the expansions of the boundary that had occurred had not occurred in the designated reserves. Mr. Croteau agreed. He said that there had been only one large and two very small boundary expanses in Eugene, and none were in the reserves.

Mr. Meisner asked if the elimination of the reserves would lead to resource savings. Mr. Croteau said yes, those resources were to be reallocated to other metropolitan studies.

Ms. Taylor, seconded by Mr. Kelly moved to direct staff to remove urban reserve designations from the Metro Plan. The motion passed unanimously, 8:0.

B. The Downtown/Willamette River/Franklin Boulevard Visioning Project

Planning and Development Department Director Paul Farmer introduced the item. He reported on the three-hour work session held at The Atrium on February 13, characterizing it as very successful, noting it had attracted people who had not previously attended a session on the subject. Those who came stayed for the entire event.

Mr. Farmer explained that staff planned to take the council's comments regarding the project themes and package them for incorporation into the next phase of the project. He said that in terms of the next phase, staff was discussing, among other things, working further on the concept of a fish-friendly waterfront; the development of the neighborhood around the federal courthouse; working with the arts community on an arts neighborhood concept, overlaid with the theme of great streets; and boundary issues. Staff would like to use the New Urbanism movement as a new template, and test some things in downtown using the principles of that movement.

Mr. Farmer reported on staff's intent to map activities in the downtown by time of day, season of the year, and day of the week to determine how to use that information to leverage more and longer visits to downtown.

Mr. Farmer called the council's attention to three key elements of the visioning project that staff was requesting further discussion on today: 1) *Connect Downtown to the River*; 2) *strengthen downtown as a Regional Center*; and 3) *transform Franklin Boulevard into a Gateway*.

Connect River to Downtown

MINUTES OF THE WORK SESSION MEETING OF
THE SPRINGFIELD CITY COUNCIL,
HELD ON MONDAY, MARCH 5, 2001

The Springfield City Council met in work session in the Jesse Maine Room, 225 Fifth Street, Springfield, Oregon, on Monday, March 5, 2001, at 6:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken, Councilors Ballew, Fitch, Hatfield, (arrived at 6:08 p.m.) Lundberg, Ralston and Simmons. Also present were City Manager Mike Kelly, Assistant City Manager Gino Grimaldi, City Recorder Kim Krebs, City Attorney Tim Harold, Transportation Manager Nick Arnis, Development Services Director Cynthia Pappas, Police Chief Jerry Smith and members of the staff.

1. Continuation of Urban Reserves in the Eugene – Springfield Area.

Planning Manager Gregg Mott and Planner III were present for the staff report. Mr. Metzger stated the purpose of this work session was to provide mayor and council with an update and to seek direction from them on two questions as it relates to Urban Reserves in the Eugene – Springfield Area.

1 – Is the City of Springfield interested in continuing to have Urban reserve areas in the Eugene/Springfield Metro Plan area?

2 – If the Council is interested in continuing to retain urban reserve areas in locations that meet the new OAR requirement, how many years of demand, beyond the 20-year urban growth boundary (UGB), should the urban reserve areas accommodate, 10 years, 20 years or 30 years?

Mr. Metzger provided a brief highlight of the issue. He said the urban reserves were created in 1982, and at that time they were created based on the idea of cities looking ahead, beyond the UGB, about where they would like to go, and they tried to establish some logical directions in which to grow. The City of Springfield identified an area in East Springfield, in the Thurston area, for our urban reserve, which is currently part of the Metro Plan. There have been some changes at the State level, and some new rules that have been passed. The new rules, which were made retroactive, are specific to what kinds of land cities can declare as urban reserves. The Administrative Rule 660.21 asks cities to look first at those lands, which are within a one-quarter mile area of their existing UGB lands. He said there are some natural constraints, such as flood plains and wetlands, and highlighted them.

Mr. Metzger provided a new packet of maps, and highlighted the different lands that are within the one-quarter mile buffer. He said the maps highlight the layer of the subject lands the State wants us to review. There is controversy on whether or not we should build on a flood plain. Wetland information is not sufficient at this time. In the lands outside the UGB there is a sizable amount of wetland area.

Councilor Fitch asked how many manpower hours, or FTEs, would it take in order fulfill all of the requirements.

Mr. Metzger said we would need an updated master sewer plan, which will be completed within the next six months, and a new comprehensive stormwater plan, which is at least 2 years out. We do have some of the information in hand; however, we are unable to make a good prediction at this time without the above information.

Councilor Lundberg asked what the difference is in having them identified rather than having them designated?

Mr. Metzger said that in order to identify urban reserves, there are certain steps of analysis that must be done. Some of those things include looking at lands that aren't priority one or two lands, such as resource lands that have the least potential for agriculture.

Councilor Lundberg asked if we don't already have enough information to make an educated guess of where we are going to go.

Mr. Metzger replied that they have a lot of information that meets State requirements; but that he didn't think they have the information to know what direction we really want to grow. If we declare urban reserves, we have to go through a certain analysis to satisfy the State. We have to go through the exact same analysis if we choose not to have urban reserves.

Mr. Mott said the purpose of tonight was to strictly identify the sites that meet the first two thresholds for potential designation as urban reserve areas. These areas are outside the UGB, they are bordered by low density residential and there are some physical constraints that limit, such as steep slopes, flood plains, or other jurisdictions. There is nothing beyond the existing UGB that isn't defined in that way, as either flood plain or steep slopes. What is likely is what has occurred in the past 20 years, which has never been an examination of our urban reserve area for UGB expansion. It's been site specific and has nothing to do with the urban reserve area. The amendments for the UGB have been approved. An urban reserve is a much more complex issue, and he doesn't think the circumstances that exist today in terms of the county's resource zoning are going to change. The Planning Directors recommended that the idea of urban reserves is probably not in our best interest to pursue. The State is requiring us to justify and identify what we want to include and keep in. The required amendment to the Comprehensive Plan is to either delete them, keep them or to put new ones on. Under any of those possibilities, the City of Eugene will also have to agree. He said City of Eugene Council has already voted 8-0 to drop urban reserves.

Councilor Ballew stated that she was surprised to see LCC on one of the maps. She said 20 years is a long horizon to try to determine what we want to accomplish, but not realistic.

Mr. Mott said Region 2050 is looking at some of these issues also.

Councilor Fitch recommended we drop the urban reserves from the Comprehensive Plan.

Councilor Simmons agreed with Councilor Fitch. He asked whether there was any legal liability for removing the designation where it may impact or affect property values of the purchaser? He said that he would leave that question unanswered, but just asked.

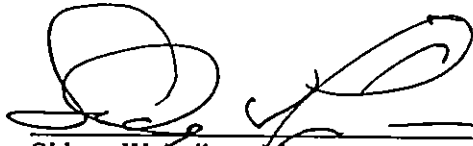
Councilor Ralston asked about the Jasper Hills, and if there is any potential there. Mr. Metzger said it is an area that was looked at but because of the slope issue. Much of Jasper Hills is resource land; forestland that we would have to have an exception process to say that this is why it's more important as urban land.

Councilor Hatfield said that after reviewing the staff report, hearing the information this evening, and given the State's constraint, he agrees that it is best to drop the urban reserves. At some point in the future, he recommended that we look at 500–1000 acres, and the first place he recommended is just across Hayden Bridge, up toward the old fish hatchery.

ADJOURNMENT

The meeting was adjourned at 6:31 p.m.

Minutes Recorder -- Heather Underwood



Sidney W. Leiken, Mayor

ATTEST:



Kim Krebs, City Recorder

VOTE: 4-0.

LCBC 3/21/01



d. DISCUSSION/Metro Urban Reserve Study.

Barry reported the Board last looked at this on November 29, 2000 in a joint meeting with Eugene and Springfield. She said there was interest in having individual work sessions before any direction was provided. She said the urban reserve study is part of the Eugene-Springfield Metro Plan Periodic Review work program designed to address changes in the Oregon Administrative Rules.

Barry explained the urban reserves are outside the urban growth boundary, established in 1982. She said as a result, none of the urban growth boundary expansions had occurred in the urban reserve areas.

Green asked what made this impractical.

Barry responded it was related to topography and floodplain.

Dwyer asked how it related to the current DLCD rules and whether it was practical to continue under those rules.

Barry stated the rules were established in 1992 and recently updated. She noted in the update, they would be allowed to discontinue them, but if they elect to continue having them, they would have to change the location and the rules may not serve their purposes. She said it was staff's recommendation to discontinue the urban reserve areas. She added the City Councils of Springfield and Eugene had unanimously agreed that is the course. She said if the Board agreed, they would continue with a metro plan amendment to allow a public process before the planning commissions.

Weeldreyer stated there was an economic component and they have to plan ahead for the urban reserve, for longer planning for financing and development to meet the 20 year horizon with the urban growth boundary without having to raise taxes or user fees.

MOTION: to give staff direction to delete the urban reserves from the supply of land in the urban reserve and adopt the position of the Cities of Eugene and Springfield.

Green MOVED, Dwyer SECONDED.

VOTE: 4-0.

- e. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING /Ordinance PA 1161/In the Matter of Amending the Rural Comprehensive Plan to Redesignate Land From "Agricultural Land" to "Nonresource" and Rezone that Land From "E-40/Exclusive Farm Use" to "RR-10/SR (Rural Residential with Site Review)," and Adopting Savings and Severability Clauses (File Pa 00-5508; Van Duyn).

MOTION: to approve the First Reading and Setting Second Reading and Public Hearing for April 4, 2001 at 1:30 p.m. for Ordinance PA 1161.

ATTACHMENT D
Section IV
Summary of the Residential Land
Supply and Demand Analysis

This summary presents highlights of the supply and demand analysis for residential land within the Eugene-Springfield urban growth boundary (UGB). For the complete analysis, refer to the February 1999, *Supply and Demand Technical Analysis*. Determining the future demand for residential land and the existing number of buildable acres of residential land allows planners to compare the two and discover whether there is sufficient land in each residential plan designation to meet this area's housing needs through 2015. This supply and demand analysis indicates there is sufficient buildable residential land to meet the future 20-year demand for housing units.

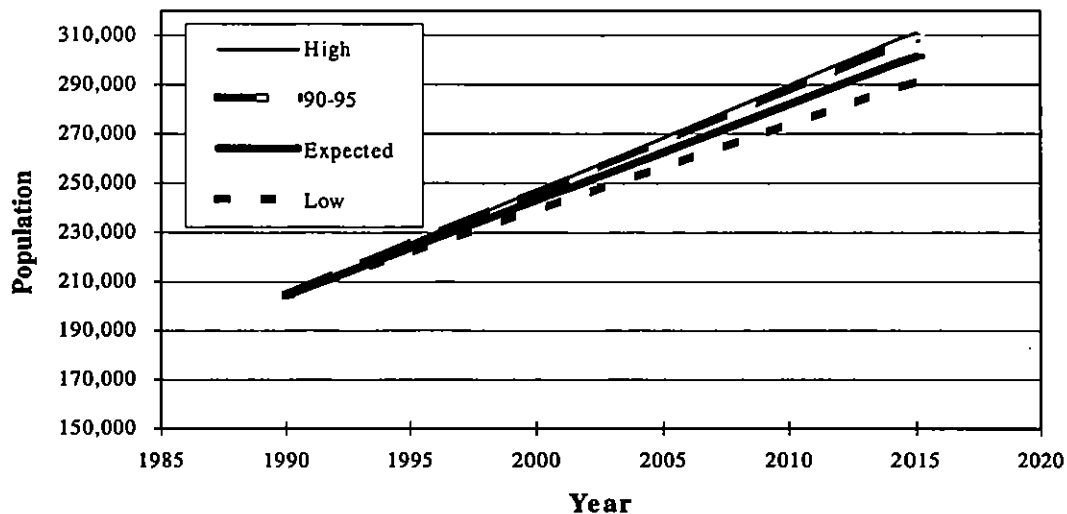
Residential Demand Analysis

Housing Demand

To project future housing demand, it is necessary to project the demand for housing for a forecasted population level. Housing demand was projected by reviewing and making assumptions about the trends in nine indicators: population, average household size, group quarter population, structure type mix, vacancy, tenure, structure type, age of householder, and household income. This analysis indicates a demand for between 40,000 to 49,000 new housing units inside the UGB.

The population of the Eugene-Springfield Metro Study Area was 204,359 in 1990 based on the decennial census. The population is projected to reach 301,400 by 2015. It is difficult to predict the future and consequently a population projection range from high to low was developed adding and subtracting 10 percent of the 1990 to 2015 growth to the expected projection. This results in a projection of between 291,700 and 311,100 in 2015 and represents the addition of between approximately 87,000 and 107,000 persons in the 25-year period. The following graph displays the expected projection and projected range and compares it with a projection based on the 1990-1995 growth rate.

Eugene-Springfield Metro Area Population Range 1990 - 2015



To determine the 2015 Metro Study area housing unit demand, the projected number of households is derived and a vacancy rate is applied. The number of households can be determined by subtracting the group quarters population from the projected population and dividing the resulting household population by a projected average household size. It was assumed that 3 percent of the projected population would live in group quarter situations. Group quarters include dormitories, nursing homes, jails, etc. The projected household population was divided by a projected average household size of 2.27. This resulted in a 2015 household projection of between 124,650 and 132,900. A 3.5 percent vacancy rate was then applied, which produced a 2015 housing unit projection of between 129,000 and 137,600 for the Metro Study area.

The 2015 housing unit demand for the Eugene-Springfield UGB was determined by subtracting the existing developed units and those expected to be built outside the UGB and inside the Metro Study area during the planning period. There were 88,007 existing units based on the Lane County geographic information system. It is expected that 680 units will be built outside the UGB and inside the Metro Study area. This results in a 2015 housing unit demand of between 40,000 to 49,000 new units inside the UGB.

Needed Housing Units

To project the housing needs of these households, the future composition of households and the type of housing these households will occupy must be considered. A market demand study for residential development was conducted by ECONorthwest and Leland Consulting Group to determine the projected housing demand by housing type. Below is a list of some of the forecasted changes anticipated in household composition:

- Growth in one and two person households,
- Growth in the proportion of households with a household head over 55 years of age, and
- Growth in the proportion of households with incomes under \$50,000 although the households with older household heads will likely have the asset of homeownership.

Based on the forecasted changes in households, future housing needs could be met by the following number of units by housing type.

Future Housing Needs

Housing Type	Percent of Future Housing Units	2015 Range of Number of Units
Single Family - detached	40	16,000 - 19,600
Single Family - attached	12	4,800 - 5,880
Apartment	35	14,000 - 17,150
Manufactured Dwelling in Parks	13	5,200 - 6,370
TOTAL	100	40,000 - 49,000

LCOG: L:\City County Planning\METRO\PR95\eos2004\ATTACHd.doc
Last Saved: Tuesday, March 02, 2004