



COUNCIL ORDINANCE NO. 20583

COUNCIL BILL 5176

**AN ORDINANCE AMENDING THE RIVER ROAD-SANTA CLARA
URBAN FACILITIES PLAN TEXT (Applicant, Lane Transit District)**

ADOPTED: July 10, 2017

SIGNED: July 13, 2017

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: August 13, 2017



ORDINANCE NO. 20583

**AN ORDINANCE AMENDING THE RIVER ROAD-SANTA CLARA
URBAN FACILITIES PLAN TEXT (Applicant, Lane Transit District)**

The City Council of the City of Eugene finds that:

A. On April 14, 2008, Ordinance No. 20407 was adopted amending, in part, the River Road-Santa Clara Urban Facilities Plan by adding text to Chapter 2, River Road/Division Subarea.

B. The applicant, Lane Transit District, submitted an application to the City of Eugene for an amendment to the River Road-Santa Clara Urban Facilities Plan text to enable the construction of a Lane Transit District bus station on a site located on the east side of River Road, north of Green Lane and south of Hunsaker Lane.

C. On April 11, 2017, the Eugene Planning Commission held a public hearing concerning the Plan amendment at which public testimony was received. After public testimony and deliberation, the Planning Commission closed the record.

D. Upon conclusion of the public hearing, the Planning Commission recommended approval of the application and forwarded its recommendation that the City Council amend the text of Section 2.6 i, River Road/Division Subarea, of the River Road-Santa Clara Urban Facilities Plan.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The text of Chapter 2, Land Use Element, Section 2.6 i., River Road/Division Subarea, Recommendation 6(b), of the River Road-Santa Clara Urban Facilities Plan, is amended to provide as follows:

b. Permitted or conditional Commercial services shall not include theaters; lodging; C2 and C3 permitted manufacturing; medical, health and correctional services; motor vehicle related uses, with the exception of transit facilities; and

Section 2. The findings set forth in the attached Exhibit A are adopted as findings in support of this Ordinance.

Passed by the City Council this

10th day of July, 2017



City Recorder

Approved by the Mayor this

13 day of July, 2017



Mayor

Exhibit A - Findings

Refinement Plan Amendment for Santa Clara Station (City File RA 16-1)

The City Council makes the following findings:

Overview

The proposal is for a refinement plan text amendment to the River Road-Santa Clara Urban Facilities Plan to enable the construction of a Lane Transit District (LTD) bus station on the subject site. The site is located on the east side of River Road, north of Green Lane and south of Hunsaker Lane.

Plan recommendation 2.6.i(6), which is specific to the subject property, formerly read as follows (**emphasis added**):

6. *Upon the sale from public ownership to private ownership, the City shall recognize the area of the former Santa Clara Elementary School at the southeast corner of the intersection of River Road and Hunsaker Lane, between Hunsaker Lane and Green Lane (Tax Lots 9100, 9200, 9300 of Assessor's Map 17-04-11-41 and Tax Lots 200, 300, 400 of Assessor's Map 17-04-11-44) as appropriate for Commercial development and designated Commercial. If zoned commercial, it shall be zoned C-2 and it shall be developed as Planned Unit Development in connection with the property described in Recommendation No. 5 with an emphasis on mixed-use development principles. In addition:
 - a. *No individual building footprint within the commercial development may exceed 18,000 square feet; and*
 - b. ***Permitted or conditional Commercial services shall not include theaters; lodging; C2 and C3 permitted manufacturing; medical, health and correctional services; motor vehicle related uses; and***
 - c. *The historic character of the former Santa Clara Elementary School shall be commemorated on site by using architectural features and historic elements typical of the former Santa Clara Elementary School (e.g., brick facades, castings, etc.).**

The following text amendment (in **bold**) will allow “transit facilities” on the subject property, through a revision to subsection (b):

- b. *Permitted or conditional Commercial services shall not include theaters; lodging; C2 and C3 permitted manufacturing; medical, health and correctional services; motor vehicle related uses, **with the exception of transit facilities**; and*

Application, Referrals and Public Hearing Notice

Prior to submittal of the application to the City, the applicant team convened a neighborhood meeting on December 1, 2016, as required by EC 9.7007.

The application was submitted by the property owner, LTD, on December 20, 2016. The application was deemed complete on February 13, 2017. On March 7, 2017 the City mailed notice of the proposed plan amendment to the Department of Land Conservation and Development, as required by the Eugene Code and state law. Referrals concerning the pending application were sent to Lane Council of Governments, City of Springfield, Lane County, and to City departments.

On Tuesday, April 11, 2017, the Planning Commission held a duly noticed public hearing on the application. At the conclusion of the public hearing, the Planning Commission recommended approval of the application and forwarded its recommendation that the City Council amend the text of Section 2.6 i, River Road/Division Subarea, of the River Road-Santa Clara Urban Facilities Plan.

Consistent with EC 9.7435, the applicant agreed to extend the time for the City Council hearing on the application until June 20, 2017.

On June 19, 2017, the City Council held a duly noticed public hearing on the application.

Approval Criteria

Eugene Code (EC) Section 9.8424 requires that the following approval criteria (in ***bold italics***) be applied to Refinement Plan amendments:

9.8424 Refinement Plan Amendment Approval Criteria.

- 1) The refinement plan amendment is consistent with all of the following:***
 - a) Statewide planning goals.***

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 of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the amendment 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 April 11, 2017.

On March 10, 2017, notice of the Planning Commission public hearing was mailed to the applicant, owners and occupants of property within 300 feet of the subject property, and the Santa Clara Community Organization. On March 22, 2017, notice of the Planning Commission public hearing was published in the Register-Guard. The applicant also facilitated a neighborhood-applicant meeting which was noticed to the affected neighborhood association and residents/property owners within 300 feet of the subject property.

Following action by the Planning Commission, the Eugene City Council held a duly noticed public hearing to consider approval, modification, or denial of the refinement plan text amendment.

In summary, the City has acknowledged provisions for citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process. The process for adopting this refinement plan amendment complies with Statewide Planning Goal 1.

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

The Eugene land use code specifies the procedures and criteria that were used in considering this amendment, and the record shows that there is an adequate factual base for the amendment. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of its residents. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of this plan amendment with all of the affected governmental units. Specifically, the City provided notice of the proposed action and an opportunity to comment to Lane County, Lane Council of Governments, the City of Springfield, and the Department of Land Conservation and Development.

There are no exceptions to Statewide Planning Goal 2 required for this amendment. The amendment is consistent with Statewide Planning Goal 2.

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

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

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

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

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

OAR 660-023-0250(3) provides that *“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 amendment does not impact or amend the City’s list of Goal 5 resources, does not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, does not allow new uses that could be conflicting uses with a significant Goal

5 resource site, and does not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

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

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

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

Goal 7 requires that local government planning programs include provisions to protect people and property from the following natural hazards: floods, landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. The Goal prohibits development in natural hazard areas without appropriate safeguards. The subject property is not located within known areas of natural disasters or hazards, it is outside the flood zone, and it is not subject to hazards normally associated with wildfires or tsunamis. Other hazards can be mitigated at the time of development based on building codes and building techniques. Since the text amendment does not affect the City's restrictions on development in areas subject to natural disasters and hazards, Statewide Planning Goal 7 does not apply.

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the State. Goal 8 also allows, but does not require, the City to create an inventory of recreational needs. This text amendment does not impact the City's ability to provide parks and recreational services to future residents. The applicant also notes the following in their written application materials: "Past communication from Eugene Parks and Open Space (POS) staff indicate that the City considered acquiring the portion of the site that was the former Santa Clara Elementary School site when it was put up for sale. Based on a variety of factors, POS staff stated that the site was not well-suited for park use." To the extent Statewide Planning Goal 8 applies, the amendment is consistent with the goal.

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

Goal 9 requires cities to evaluate the supply and demand of commercial and industrial land relative to community economic objectives. The Administrative Rule for Statewide Planning Goal 9 (OAR 660-015-0000(9)) requires that the City "[p]rovide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies[.]" The subject property is planned and zoned for commercial use, and the amendment does

not seek to change the property's commercial designation. Therefore, this amendment is consistent with Statewide Planning Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The amendment is a text change to allow a certain use on a specific site that is commercially designated and zoned, and not an amendment that impacts the City's land use designations. 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 amendment does not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply. However, it is worth noting that all necessary public services exist or are readily available in close proximity to the subject site.

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

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

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or*

comprehensive plan.

Goal 12 requires a determination of whether the proposed Post Acknowledgment Plan Amendment (PAPA) will significantly impact an existing or planned transportation facility. The applicant prepared a project trip generation study from an assumed 'worst case development' scenario to quantify the impacts of the proposed text amendment to allow transportation facilities. The analysis for the PAPA compared the reasonable worst case scenario under the existing plan designations and zoning to a reasonable worst case scenario under the proposed plan designation and zoning. City staff concurred with the scope of the study, and the analysis is consistent with the agreed upon scope of work.

The analysis and technical findings set forth in the applicant's study showed a decline in the number of PM peak hour trips associated with a development that includes a transit station. Overall, the reasonable worst case scenario analysis found the existing zoning (C-2) could produce 67 PM peak hour trips. The reasonable worst case scenario with inclusion of a transit station is 49 PM peak hour trips (a reduction of 18 vehicle trips). The applicant's engineer found that "If the proposed Park and Ride Transit Station use is developed consistent with the specific text amendment that allows the use, it will reduce the intensity of the land use in terms of potential motor vehicle trips generated by the site when compared to the potential for a retail commercial land use developed in place of as the alternate. In summary, the Transportation Planning Rule is satisfied under Goal 12 criteria with the proposed refinement plan amendment since the change in use permission does not represent an increase in potential build-out development level trip generation."

Public Works staff also found that the proposed amendment neither changes the functional classification of a transportation facility nor changes the standards implementing a functional classification under subsections (a) or (b) of OAR 660-012-0060. Furthermore, the proposal will not result in any of the impacts listed in subsection (c) of OAR 660-012-0060.

The cumulative result of the refinement plan amendment text change is no significant impact to the proposed or planned transportation system, and the existing transportation system has adequate capacity to serve the reasonable worst case development scenario (a transit station and commercial development). Based on the above findings, the text amendment to allow transit facilities is consistent with Statewide Planning Goal 12.

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

The amendment does not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply. The applicant also asserts that "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 amendment, the amendment 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. Therefore, 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 amendment does not affect the City's code and plan provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

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

The subject property is not within the Willamette River Greenway and the amendment does not contain any changes that affect the Willamette River Greenway regulations adopted by the City. 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 that would be effected by this amendment. Therefore, Statewide Planning Goals 16 through 19 do not apply.

b) Applicable provisions of the Metro Plan.

The amendment is consistent with applicable Metro Plan policies (listed below), does not conflict with Metro Plan policies, and does not make the Metro Plan internally inconsistent. To the degree that any Metro Plan policies apply, the applicant provides the following analysis:

“As this particular refinement plan amendment is text only and includes a very minor modification to allow a transit facility on the property, there are only a few Metro Plan policies that apply. To the degree that any Metro Plan policies might apply, these are as follows:

Transportation Element

Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit. (Policy F.3)

River Road is a major transit corridor. Approval of the requested refinement plan text amendment will enable transit-supportive and transit-oriented land use and development, including a new transit station, to occur on the site, which is adjacent to River Road.

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

This policy directs the City to require improvements of new development. The City has

adopted land use regulations to implement this policy. Those regulations will apply at the time of the site's development. Approval of the requested refinement plan text amendment will make it possible for the applicant to implement improvements that encourage using transit, bicycling, and pedestrians.

Develop or promote intermodal linkages for connectivity and ease of transfer among all transportation modes. (Policy F.11)

Allowing transit-related uses to occur on the subject property will promote intermodal linkages, including vehicle, bicycle and pedestrian modes, both on-site and with the immediate neighborhood.

Support transportation strategies that enhance neighborhood livability. (Policy F.13)

Approving the requested refinement plan text amendment will allow the development of a new transit station to occur on the site. This action will enhance neighborhood livability by providing a new public transit facility located in the Santa Clara neighborhood.

Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians and the needs of emergency vehicles when planning and constructing roadway system improvements. (Policy F.14)

As described in TransPlan, the intent of this policy is to support the design and construction of systems and facilities that accommodate multiple modes. Approval of the requested refinement plan text amendment will enable mobility alternatives to be an integral component of future site development. Integral to the proposed transit center, on-site and off-site roadway improvements will be planned, designed and constructed to accommodate vehicles, transit, bicycle, and pedestrian modes of travel.

Improve transit service and facilities to increase the system's accessibility, attractiveness, and convenience for all users, including the transportation disadvantaged population. (Policy F.18)

Approving the requested refinement plan text amendment will enable the development of a new transit station on the property. This new station will be designed with current and future buses, station facilities, ridership, and customer needs in mind. Accessibility and convenience, including the needs of those who are transportation disadvantaged, will be improved.

Establish a BRT system composed of frequent, fast transit service along major corridors and neighborhood feeder service that connects with the corridor service and with activity centers, if the system is shown to increase transit mode split along BRT corridors, if local governments demonstrate support, and if financing for the system is feasible. (Policy F.19)

The new transit station will be designed and constructed with BRT (EmX) needs in mind.

Approving the requested refinement plan text amendment will allow for the provision of a BRT-enabled transit station in a neighborhood where one does not otherwise exist.

Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking. (Policy F.26)

Walking to and from the bus is integral to public transit service. Allowing the proposed transit center to occur on the subject property will enable pedestrian facilities to be developed both on-site and across the site, as well as on the adjacent roadway system and nearby sidewalks, crosswalks, and neighboring properties and destinations.”

c) Remaining portions of the refinement plan.

The application is consistent with the remainder of the River Road Santa-Clara Urban Facilities Plan. The policy text amendment is a site-specific revision that only impacts the subject property, which is identified in Ordinance No. 20407 as “the area of the former Santa Clara Elementary School at the southeast corner of the intersection of River Road and Hunsaker Lane, between Hunsaker Lane and Green Lane.” In other words, the amendment that would allow transit facilities to be built on the subject property does not reach to other properties within the refinement plan area, and would not allow other prohibited motor vehicle related uses, consistent with the intent of the original policy direction.

The applicant also asserts, and the Council finds, the following: “Given that the requested refinement plan amendment is text only, the request does not affect the refinement plan’s land use diagram or any of the subarea land use diagrams. The requested addition to permitted land uses – transit facilities – is normally permitted in the property’s commercial designation. The commercial designation facilitates commercial zoning, which the property is zoned. Transit facilities – i.e., transit park and ride and transit station – are permitted in the commercial zone within the Motor Vehicle Related Uses use category (EC Table 9.2160).”

The text amendment is also consistent with the following refinement plan policy:

Provide for land uses that conform to Metropolitan Plan goals and policies and that consider the provision of a full range of urban services in an efficient and cost-effective manner. (General Land Use Policies, Policy 3.0)

In response to this policy the applicant asserts, and the Council finds that “Public transit (mass transit in the Metro Plan) is an urban service. Metro Plan goals and policies encourage the provision of transit. Approval of this requested refinement plan text amendment will enable mass transit, i.e. an urban service, to be provided in an efficient and cost-effective manner. It will be efficient and cost-effective because the subject property is on a key mass transit corridor (River Road) and cost-effective because the property is owned by the community’s transit service provider – Lane Transit District.”

Further, the text amendment to allow transit facilities does not conflict with the remaining policies of Ordinance No. 20407, and the applicant will be required to apply these policies at the time of future development.

Based on the findings above, the plan diagram and policy text amendments fulfill the requirements of this criterion.

- 2) *The refinement plan amendment addresses one or more of the following:***
- a) An error in the publication of the refinement plan.***
 - b) New inventory material which relates to a statewide planning goal.***
 - c) New or amended community policies.***
 - d) New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.***
 - e) A change of circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.***

The proposed text amendment does not relate to an error in the refinement plan, new inventory material relating to a statewide planning goal, new/amended community policies, or new/amended federal and state laws, statutes, regulations, planning goals, or land use plans. Therefore, subsections (a) - (d) do not apply to the subject request. Subsection (e) applies because the proposed text amendment is warranted due to a change of circumstances in a substantial manner that was not anticipated at the time the refinement plan, as revised by Ordinance 20407, was adopted.

The applicant provides, and the Council adopts, the following findings addressing the change in circumstances: “Regarding EC 9.8424(2)(e), there is a significant change in circumstances since adoption of Ordinance 20407. The property is no longer in private ownership and is now owned by the community’s transit service provider, Lane Transit District. This was not anticipated at the time of the adoption of Ordinance 20407. At that time, the property was in private ownership and the focus was on developing the property as a mixed-use, residential-commercial center.

Now, with LTD as the property owner, the focus remains in developing the property as a mixed-use center. While the previous uses were only commercial and residential in nature, LTD aims to provide a third component – a transit station. Clearly the current prohibition regarding motor vehicle related uses, which includes transit facilities, would not enable the new property owner to follow through with their plan.”

Based on the findings above, the text amendment to recommendation 2.6.i(6) of the River Road-Santa Clara Urban Facilities Plan fulfills the requirements of this criterion.