



COUNCIL ORDINANCE NO. 20646

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM TO REDESIGNATE THE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-26-00, TAX LOTS 2801, 4303 AND 4304 AND ASSESSOR'S MAP 17-04-26-43, TAX LOT 302 FROM HEAVY INDUSTRIAL TO LIGHT MEDIUM INDUSTRIAL AND REZONE THE PROPERTY FROM I-3 HEAVY INDUSTRIAL TO I-2 LIGHT-MEDIUM INDUSTRIAL.

ADOPTED: April 12, 2021

SIGNED: April 14, 2021

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: May 15, 2021



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The City Council of the City of Eugene finds as follows:

A. On September 18, 2020, BPS Associates LLC, CEIP LLC, and Wfe LLC submitted an application for a Type I amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Plan Diagram and a concurrent zone change to redesignate and rezone the property identified as Assessor's Map 17-04-26-00, Tax Lots 2801, 4303 and 4304 and Assessor's Map 17-04-26-43, Tax Lot 302. The applicants requested a Metro Plan designation change from the Heavy Industrial designation to a Light Medium Industrial designation. The zone change requested by the applicant would rezone the subject property from I-3 Heavy Industrial to I-2 Light-Medium Industrial.

B. On January 26, 2021, the Eugene Planning Commission held a public hearing on the application. The Eugene Planning Commission recommended that the Eugene City Council adopt the proposed amendment to the plan diagram for the Metro Plan as shown in Exhibit A.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The plan diagram for the Eugene-Springfield Metropolitan Area General Plan is amended to redesignate the property identified as Assessor's Map 17-04-26-00, Tax Lots 2801, 4303 and 4304 and Assessor's Map 17-04-26-43, Tax Lot 302, from Heavy Industrial to Light Medium Industrial, as depicted on Exhibit A attached hereto and incorporated herein by reference.

Section 2. The property identified as Assessor's Map 17-04-26-00, Tax Lots 2801, 4303 and 4304 and Assessor's Map 17-04-26-43, Tax Lot 302, is rezoned from I-3 Heavy Industrial to I-2 Light-Medium Industrial, as depicted on Exhibit B attached hereto and incorporated herein by this reference.

Section 3. The findings set forth in the attached Exhibit C are adopted in support of this Ordinance.

Section 4. Based on the findings set forth in Exhibit C attached hereto and adopted as findings in support of this Ordinance, the following limitation on development of the property identified as Assessor's Map 17-04-26-00, Tax Lots 2801, 4303 and 4304 and Assessor's Map 17-04-26-43, Tax Lot 302 is hereby imposed:

Site development shall be limited so as to generate no more than 438 PM peak hour

vehicle trips as determined by the most current edition of the Institute of Transportation Engineers Trip Generation Manual. The City may allow development intensity beyond this maximum number of peak hour vehicle trips if the applicant submits to the appropriate approving agencies a transportation impact analysis demonstrating the proposed intensification of use is consistent with the Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060. The applicant shall seek, and the City shall consider such approval using the City's Type II land use application procedure.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

Passed by the City Council this

12th day of April, 2021

Approved by the Mayor this

14 day of April, 2021.



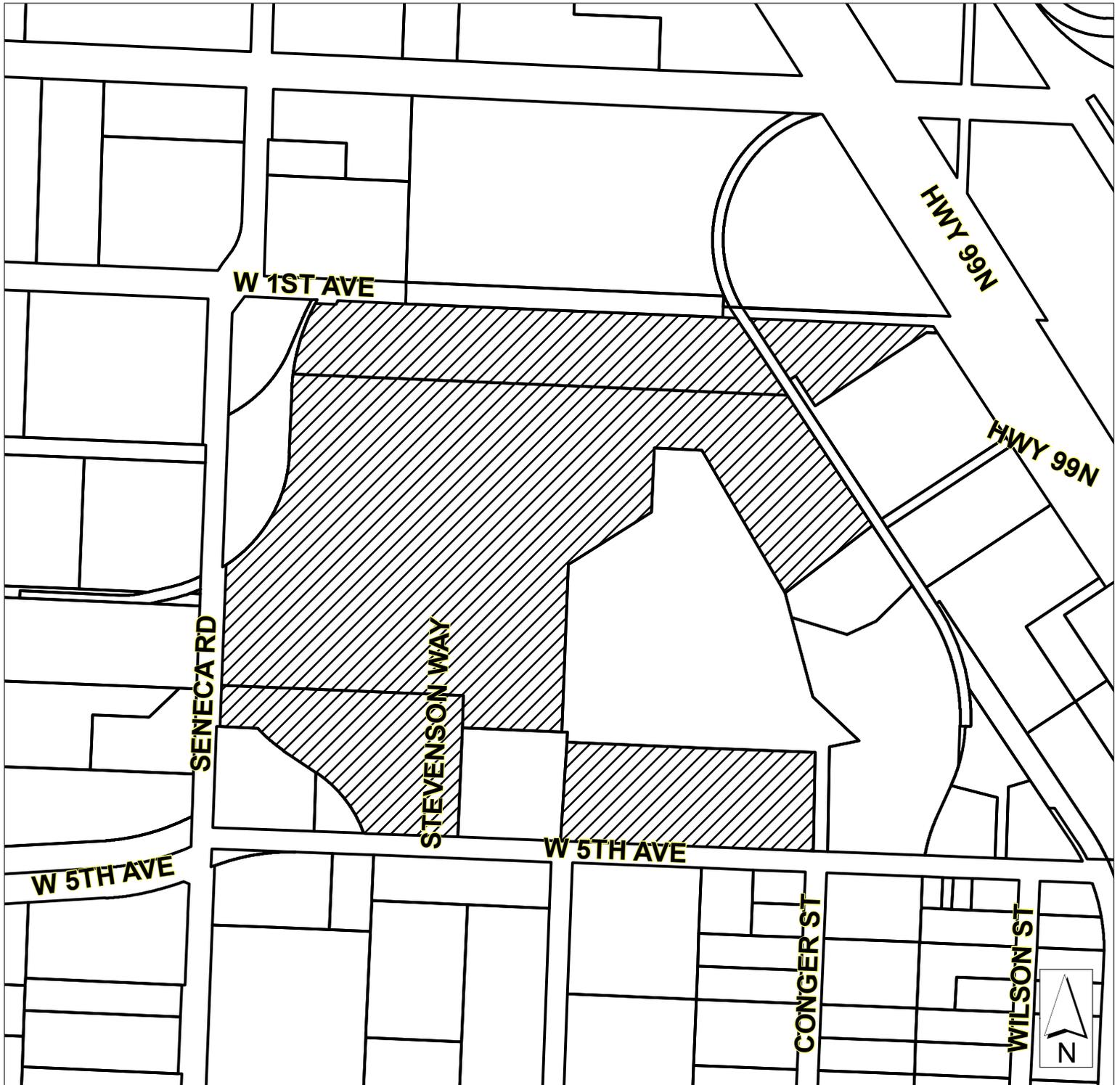
Deputy City Recorder



Mayor

Proposed Metro Plan Designation

Central Eugene Industrial Park - City File: MA 20-3 / Z 20-10
Metro Plan Amendment & Zone Change



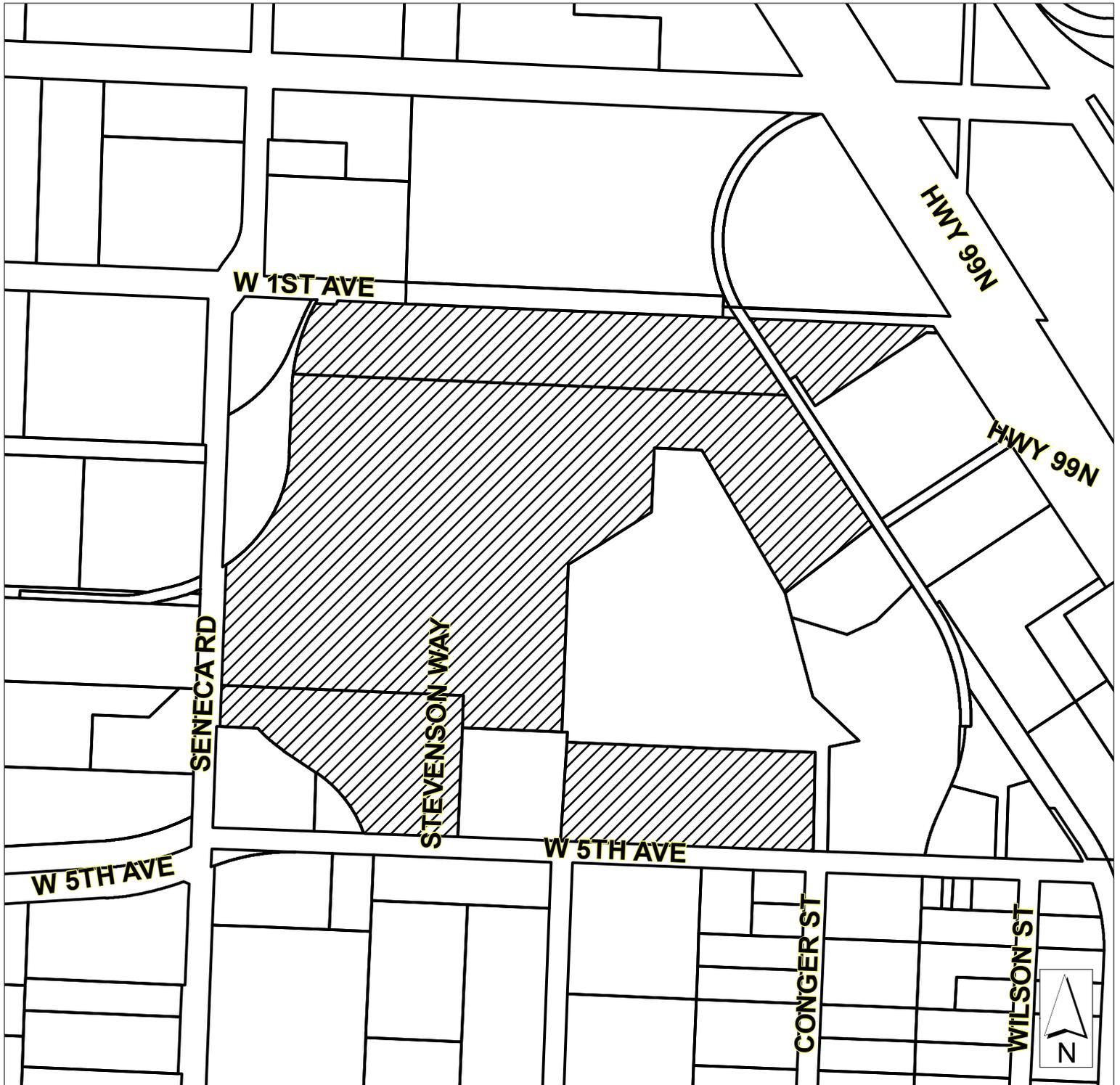
////// Property to be redesignated from Heavy Industrial to Light Medium Industrial on the Metro Plan's Plan Diagram

Assessor's Map 17-04-26-00, Tax Lots 2801, 4303 and 4304; and
Assessor's Map 17-04-26-43, Tax Lot 302



Proposed Zone Change

Central Eugene Industrial Park - City File: MA 20-3 / Z 20-10
Metro Plan Amendment & Zone Change



 Property to be rezoned from I-3 Heavy Industrial to I-2 Light-Medium Industrial

Assessor's Map 17-04-26-00, Tax Lots 2801, 4303 and 4304; and
Assessor's Map 17-04-26-43, Tax Lot 302



FINDINGS IN SUPPORT OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM TO REDESIGNATE THE PROPERTY IDENTIFIED AS ASSESSOR’S MAP 17-04-26-00, TAX LOTS 2801, 4303 AND 4304 AND ASSESSOR’S MAP 17-04-26-43, TAX LOT 302 FROM HEAVY INDUSTRIAL TO LIGHT MEDIUM INDUSTRIAL AND REZONE THE PROPERTY FROM I-3 HEAVY INDUSTRIAL TO I-2 LIGHT-MEDIUM INDUSTRIAL

APPLICATION OVERVIEW

Name (File Numbers): Central Eugene Industrial Park (MA 20-3 / Z 20-10)

Map No. / Tax Lots: 17-04-26-00 / 2801, 4303, 4304 and 17-04-26-43 / 302

The applicant is seeking an amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) land use diagram, and a concurrent zone change. The requested changes are outlined in Table 1, below.

Central Eugene Industrial Park - Metro Plan Amendment & Zone Change			
Application (File #)	Current	Proposed	Acres
Metro Plan Amendment (MA 20-3)	Heavy Industrial	Light Medium Industrial	~41.31
Zone Change (Z 20-10)	I-3 Heavy Industrial	I-2 Light-Medium Industrial	~41.31

Table 1: Current/Proposed Plan Designations and Zoning

The subject property is located west of Highway 99, north of West 5th Avenue, south of 1st Avenue, and east of Seneca Road. It consists of four separate tax lots with 3 different owners, all of whom have submitted their permission to proceed with this application.

FINDINGS

This request for a Metro Plan Amendment (Type I) is subject to the land use application procedures in the Eugene Code (EC) 9.7700-9.7735. The applicant has also requested a zone change. Per EC 9.8005, the requested zone change is being processed concurrently. The applicable refinement plans are the Bethel Danebo Neighborhood Refinement Plan, Phase 2, and the West Eugene Wetlands Plan. Neither refinement plan contains a land use diagram and therefore the refinement plans do not require any amendments to remain consistent with the applicant’s proposed changes to the Metro Plan Diagram.

The applicant’s narrative states that, “the proposed Metro Plan and Zoning Map amendments will allow a more diverse range of industrial uses and businesses that are compatible with existing nearby development.” While it is helpful and relevant to know why the applicant has requested the Metro Plan amendment and Zone Change, it is important to recognize that these findings will reflect how changes to the land use designation and zoning, and all potential uses resulting from said change, are consistent with the approval criteria.

The following preliminary findings address details of the proposal in the context of compliance with the applicable approval criteria at EC 9.7735 and EC 9.8865. Those criteria are provided below (in **bolded text**), including findings addressing compliance with each.

METRO PLAN AMENDMENT

The applicant's requested Metro Plan Amendment proposes to change the land use designation of the subject property from Heavy Industrial to Light Medium Industrial. The amendment qualifies as a Type I amendment as it only involves a change to the land use diagram and no text amendments to the plan are proposed or required. The following findings address the applicable approval criteria for the Metro Plan Amendment:

EC 9.7735 (1): The proposed amendment is consistent with the relevant Statewide Planning Goals.

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

The City's provisions for citizen involvement ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The proposal does not include any changes to the City's citizen involvement program.

The City's land use code implements Statewide Planning Goal 1 through its noticing requirements, which include:

- A pre-application neighborhood/applicant meeting (08/13/2020)
- Notice to the Oregon Department of Land Conservation and Development (12/22/2020)
- Referrals and notice sent to Lane County and the City of Springfield (01/06/2021)
- Public notice for the Planning Commission public hearing to consider the applications, which includes: mailing notice to interested parties and adjacent property owners (12/24/2020); posting of the notice on-site (01/08/2021); and, publishing the notice in a local newspaper (01/08/2021).

Consideration of the amendment and zone change will begin with a Planning Commission public hearing on January 26, 2021, which provides an opportunity for members of the public to provide oral testimony in addition to written comments. Following consideration and deliberations, the Planning Commission will provide a recommendation to the City Council. The Eugene City Council will then hold a public hearing to consider the proposal. Each public hearing will present an opportunity for interested parties to provide testimony to the Planning Commission and City Council for their consideration.

Based on these findings, the proposed Metro Plan Amendment is consistent with Statewide Planning Goal 1.

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

In accordance with Statewide Planning Goal 2, the requested Metro Plan Amendment is being processed according to Eugene's land use code, which specifies the procedure and criteria for consideration of the request. The requested Metro Plan amendment qualifies as a Type I amendment as defined in EC 9.7705 because the only requested change is to the Metro Plan's land use diagram, for lands located wholly within the City of Eugene. Consistent with EC 9.7715(1), the request for an amendment was initiated by a representative of the property owners. Per EC 9.7705(1), this Type I amendment requires approval by City of Eugene only. The subject property is entirely within the Eugene City limits and there is no regional impact associated with this request to amend the Metro Plan land use designation.

As the application follows the procedural requirements established by Eugene's land use code, the amendment is consistent with Statewide Planning Goal 2.

The Statewide Planning Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of its citizens. To comply with the Goal 2 coordination requirement, the City provided notice of the proposal and an opportunity to comment to Lane County, Lane Council of Governments, City of Springfield, the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development.

There are no exceptions to Statewide Planning Goal 2 required for this amendment. Therefore, the amendments are 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. Based on this finding, Statewide Planning Goal 3 does not apply.

Goal 4: Forest Lands - To preserve forest lands.

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

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

There are no Goal 5 resources located on the subject property. This amendment does not create 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, nor does it allow new uses that could be conflicting with a significant Goal 5 resource site. Therefore, Statewide Planning Goal 5 does not apply.

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

The proposed change to the Metro Plan Diagram does not impact existing regulations that implement the air, water, and land resources quality protections. Any future development will be subject to City regulations and other state and federal requirements, ensuring that future developments will be consistent with this Goal. Based on these findings, the Metro Plan amendment is consistent with Statewide Planning Goal 6.

Goal 7: Areas Subject to Natural Hazards - To protect people and property from natural hazards.

Statewide Planning 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. Goal 7 prohibits development in natural hazard areas without appropriate safeguards. The subject property is not located within known areas of natural disasters or hazards. The subject property is outside the flood zone and is not subject to hazards normally associated with wildfires or tsunamis. Other hazards can be mitigated at the time of development based on applicable land use code provisions, building codes and building techniques. The amendment to the Metro Plan Diagram does not affect the City's restrictions on development in areas subject to natural disasters and hazards. Based on these findings, the amendment is consistent with Statewide Planning Goal 7.

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

Statewide Planning 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. The Metro Plan Diagram amendment does not affect the City's provisions for or access to recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

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.

Statewide Planning Goal 9 requires cities to evaluate the supply and demand of commercial and industrial land relative to community economic objectives. This amendment to the Metro Plan Diagram is only related to lands designated as industrial. The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the City provide 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 Employment Lands Supply Study 2012-2032 (ELSS) is included as Appendix B in the City's comprehensive plan, Envision Eugene, and complies with the requirements of Goal 9 and the corresponding Administrative Rule.

The ELSS classifies the subject properties as "developed commercial and industrial lands." See Employment Land Supply (2012) Figure 5, map tile 10 of 18. Based on this classification, the

subject property was not included in the inventory of available or developable employment lands within Eugene's Urban Growth Boundary. Therefore, while the subject property may have some vacant and developable areas, the proposed amendment to the Metro Plan will have no impact on the City's adopted supply of industrially designated land.

Further, the map amendments do not add or subtract any industrial land from the adopted inventories. For the purposes of the City's ELSS, all industrial land use land designations (Campus, Light-Medium, and Heavy) are grouped together. Therefore, properties within the broad category of industrial can be re-designated to another type of industrial without changing the amount of industrial land in the City's inventory. In this case, a re-designation from Heavy Industrial to Light-Medium Industrial results in no net change to the City's adopted inventory of industrially designated land.

OAR 660-009-010(4) includes specific requirements for changes in plan designation that involve land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation. While the subject property is in excess of 2 acres, the proposed change is from one industrial designation (Heavy) to another industrial designation (Light-Medium). Therefore, the requirements of OAR 660-009-010(4) do not apply.

The requested Metro Plan Amendment will not adversely impact the City's ability to provide opportunities for a variety of economic activities. In the application materials, the applicant addresses the economic benefits of the proposed change. The applicant asserts that the proposed change will "allow a more diverse range of industrial uses and businesses that are compatible with existing nearby development."

Further contextual analysis demonstrating how the proposed amendment supports Statewide Planning Goal 9 generally is included in the applicant's narrative.

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

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

The subject property does not include any lands designated for residential use in the City's Buildable Lands Inventory (BLI); therefore, the proposal does not include any changes that would impact the availability of residential lands for housing, nor does it impact the City's ability to provide for housing needs in the future. Based on these findings, Statewide Planning Goal 10 does not apply.

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 Metro Plan Diagram amendment does not affect the City's provision of public facilities and services. Based on this finding, Statewide Planning Goal 11 does not apply. However, as a note, 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.

Goal 12 requires a determination of whether the proposed Metro Plan Amendment will significantly impact an existing or planned transportation facility. OAR 660-012-0060, the Transportation Planning Rule (TPR), implements Goal 12 for proposed amendments to the Metro Plan diagram, such as this application. The TPR contains the following requirement:

OAR 660-012-0060(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.

Kelly Sandow, PE, of Sandow Engineering, prepared a TPR analysis on behalf of the applicant to demonstrate consistency with Statewide Planning Goal 12 requirements and the Eugene 2035 Transportation System Plan (TSP). The analysis calculated an assumed “worst-case development” scenario for the existing and proposed land use designations and zoning to quantify potential transportation impacts for a 20-year planning horizon. The assumption was based on the total site area, a rate of development based on proposed zoning and a high traffic impact use allowed in the existing (I-3) and proposed (I-2) zone. The result of the Transportation Engineer’s calculation is that development under the proposed designation and

zoning would potentially generate 428 more peak hour trips compared to the existing designation. City staff concurs with the scope of the study, and the analysis is consistent with the agreed upon scope of work.

The applicant's TPR analysis concludes that the proposed amendment and zone change will not significantly affect the operation of the studied intersections, in accordance with OAR 660-012-0060(1). This is supported by findings included within the analysis that verify the proposed amendment and zone change does not significantly affect any transportation facility, citing compliance with OAR 660-012-0060(1)(a) through (c). The analysis concludes that because OAR 660-012-0060(1) is satisfied and there is no significant effect, the remaining OAR subsections (2) through (11) do not apply.

While staff concurs with the consultant's methodology and study, it was found that there is a significant effect that needs to be addressed under the TPR, contrary to the applicant's TPR conclusions. A significant effect was triggered under OAR 660-012-0060(1)(c)(C) due to impact to the intersection at 5th Avenue and Seneca Road, as discussed further below.

The City uses Level of Service (LOS) as our performance standard to determine significant effect and our locally adopted performance standard is a minimum LOS "E" at all intersections outside of the downtown area. LOS can be generally described as a report card that measures of the amount of time delay expected at a given intersection. Based on the amount of delay, intersections are graded "A" through "F", where delay thresholds "A" is little or no delay and "F" is excessive and demand is nearing capacity). Per Table 6 of the applicant's TPR analysis, the proposal impacts the intersection at 5th Avenue and Seneca Road. Without any changes, this intersection is projected to operate below the City's performance standard (LOS "F") in 2035. As the requested change in plan designation and zoning will result in increased vehicle trips to this intersection, it will result in further degradation of the LOS performance at the intersection of 5th and Seneca. Based on these facts, the requested change triggers a significant effect under Subsection (1)(c)(C). When a significant effect is determined, a remedy to mitigate increased degradation is required to ensure compliance with the TPR's subsection (2).

OAR 660-012-0060(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

The following trip cap condition provides a remedy consistent with OAR 660-012-0060(2)(d). It limits future development's transportation impact to a level the same as the current plan designation. The number of trips for the trip cap condition is based on the most reasonable buildout scenario under the current plan designation and zoning, which was calculated in the applicant's TPR analysis. The result of the trip cap is that a change in plan designation and zoning will have no greater impact on the transportation system than the current designation and zone.

Trip Cap Condition of Approval

Site development shall be limited so as to generate no more than 438 PM peak hour vehicle trips as determined by the most current edition of the Institute of Transportation Engineers Trip Generation Manual. The City may allow development intensity beyond this maximum number of peak hour vehicle trips if the applicant submits to the appropriate approving agencies a transportation impact analysis demonstrating the proposed intensification of use is consistent with the Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060.

The applicant shall seek, and the City shall consider such approval using the City's Type II land use application procedure.

With the inclusion of the trip cap condition, the proposal meets the requirements of Statewide Planning Goal 12, the Transportation Planning Rule, and the City's TSP. Based on these findings and condition, the proposal is consistent with Statewide Planning Goal 12.

Goal 13: Energy Conservation - To conserve energy.

The proposed change to the Metro Plan's land use diagram will not amend or otherwise involve any land use regulations that implement this Goal. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14: Urbanization - To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The Metro Plan diagram amendment does not affect the City's provisions regarding the transition of land from rural to urban uses. Based on this finding, 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 Metro Plan Amendment does not contain any changes that affect the Willamette River Greenway regulations, nor is the subject property located within the adopted Willamette Greenway boundary. Based on this finding, Statewide Planning Goal 15 does not apply.

Goals 16 – 19: Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources

There are no estuarine, beach and dune, coastal, or ocean resources related to subject property. Based on this finding, Statewide Planning Goals 16 through 19 do not apply.

Based on the findings above, the Metro Plan Amendment complies with the Statewide Planning Goals and the approval criterion at EC 9.7735(1) is met.

EC 9.7735(2): The proposed amendment does not make the Metro Plan internally inconsistent.

No policies within the Metro Plan appear to serve as mandatory approval criteria for this application, nor do any Metro Plan policies appear to be directly relevant to this site-specific Metro Plan Diagram amendment. Therefore, the proposed amendment does not present any conflict with Metro Plan policies nor make the Metro Plan internally inconsistent. Based on these findings, this criterion is met.

EC 9.7735(3): When the city-specific local comprehensive plan also applies, the proposed amendment is consistent with the city-specific local comprehensive plan.

The city-specific local comprehensive plan for the City of Eugene is the Envision Eugene Comprehensive Plan. The following policies from the Envision Eugene (EE) Comprehensive Plan provide general support for the amendment to the Metro Plan Diagram:

EE Policy 3.15: Adequate Land Supply. Designate an adequate number of sites within the urban growth boundary to accommodate growing local businesses and new targeted industries, especially a diversified manufacturing base that includes advanced manufacturing, food and beverages, wood products manufacturing, regional distribution, trade, and services such as offices, software developers, educational technology, corporate headquarters, and other employment uses.

EE Policy 3.18: Multimodal Freight Accessibility. Encourage maximum use of industrial land by businesses that rely on access and adjacency to multimodal (rail, highway, airport) freight infrastructure and services.

EE Policy 3.19: Industrial Land Preservation. Protect and retain the West Eugene and Highway 99 Industrial Corridors as industrial land, particularly parcels with access to rail infrastructure. Foster opportunities for a variety of heavy industrial development in existing heavy industrial areas.

EE Policy 3.22: West Eugene Employment Areas. Protect industrial areas in west Eugene, while supporting their evolution into diverse places of commerce with a flexible regulatory approach that offers a broad mix of employment and industrial uses, thereby accommodating increased employment densities and services to surrounding neighborhoods.

Each of the policies above comes from Economic Development Chapter of the Envision Eugene Comprehensive Plan. The applicant contends that the proposed amendment will diversify the industrial and employment uses permitted on the site, which is supported by Policies 3.19 and 3.22. The proposed amendment also results in the property remaining an industrial designation with access to a private rail spur and thus is supported by Policies 3.18, 3.19, and 3.22. The proposed amendment and concurrent zone change greatly expands the number of permitted industrial and employment uses, while only four uses will no longer be allowed, including: Existing Homeless Shelters, Conditional Explosives Manufacturing, large collection recycling facilities, and scrap and dismantling yard (see EC Table 9.2450 for a complete list of permitted uses in the Employment and Industrial Zones). Based on these facts, the proposed amendment and concurrent zone change are generally supported by the Economic Development policies cited above.

The Transportation chapter of Envision Eugene states that the Eugene 2035 Transportation System Plan (TSP) serves as the transportation element for the comprehensive plan. As noted in the findings related to Statewide Planning Goal 12, the Metro Plan Diagram amendment is consistent with the City's TSP, and therefore consistent with the transportation element of

Envision Eugene. No transportation policies appear to be directly relevant to this site-specific Metro Plan Amendment, nor do they serve as mandatory approval criteria for the amendment.

Based on these findings, the proposed Metro Plan Amendment is consistent with Envision Eugene, the City's local comprehensive plan.

ZONE CHANGE

The applicant's request includes a concurrent zone change from I-3 Heavy Industrial to I-2 Light-Medium Industrial, to bring the zoning into conformance with the proposed Light-Medium Industrial plan designation. The following findings address the applicable approval criteria for the zone change request:

EC 9.8865(1): The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

According to EC 9.2410, the requested I-2 zone implements the Metro Plan's Light-Medium Industrial land use designation. Therefore, the zone change is consistent with a change to the Metro Plan Diagram to designate the subject property as Light-Medium Industrial. There are no Metro Plan polices that serve as mandatory approval criteria for this zone change or require further analysis beyond that provided above for the requested Metro Plan Amendment.

Based on these findings, and with approval of the Metro Plan Diagram Amendment, this criterion is met.

EC 9.8865(2): The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

One applicable adopted refinement plan for the area of this request is the Bethel Danebo Neighborhood Refinement Plan, Phase 2. This refinement plan does not contain a land use diagram, and therefore the proposed change relies on the designation set forth by the Metro Plan's land use diagram, as discussed above. No other policies or provisions within the Bethel Danebo Neighborhood Refinement Plan, Phase 2 appear to serve as mandatory approval criteria for this zone change.

Another applicable adopted refinement plan is the West Eugene Wetlands Plan (WEWP). Again, this refinement plan does not contain a land use diagram, and therefore the proposed change relies on the designation set forth by the Metro Plan's land use diagram, as discussed above. The WEWP does not identify any wetlands on the subject property. No other policies or provisions within the WEWP appear to serve as mandatory approval criteria for this zone change.

Based on these findings, and with approval of the amendment to the Metro Plan Diagram, this criterion is met.

EC 9.8865(3): The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, water service, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan, page V-3). The following summary addresses the availability of these key urban services and facilities as required under this criterion.

Wastewater: Public wastewater service is currently available for the subject property from wastewater lines located in West 5th Avenue, Seneca Road, and West 1st Avenue. Wastewater standards will be reviewed at the time of future development for any extension of service to the subject property.

Stormwater: Existing stormwater conveyance lines are located in West 5th Avenue, Stevenson Way, Seneca Road, and West 1st Avenue. Stormwater standards will be reviewed at the time of future development for any extension of service to the subject property.

Streets: The subject property has public street frontage on West 1st Avenue, Seneca Road, West 5th Avenue, and Stevenson Way. Compliance with applicable street standards will be addressed at the time of future development.

Solid Waste: Collection service is provided by private entities. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Water and Electric: Water and electrical services, operated by Eugene Water and Electric Board (EWEB) are existing or available for extension to the property. Any future development will require coordination with EWEB staff to ensure that water and electric services comply with City standards and EWEB requirements.

Public Safety: Police protection for the subject property is consistent with service provision through the City. Fire protection will be provided by the Eugene Springfield Fire Department. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield.

Transportation: The subject property is accessible to pedestrians, bicycles, and vehicles via the surrounding network of streets and transportation infrastructure. Transit services are available along Seneca Road, as well as along Highway 99.

Parks and Recreation: Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Planning and Development Services: Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property.

Communication: A variety of telecommunication providers offer communications services throughout the Eugene/Springfield area; therefore, these services are available, and this key urban service requirement is met.

Public Schools: The subject property is within Eugene School District 4J. As access to schools is evaluated on a district wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Based on these findings, this criterion is satisfied.

EC 9.8865(4): The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(b) EC 9.2430 Employment and Industrial Zone Siting Requirements.

The specific siting standards for the I-2, Light-Medium Industrial zone are listed under EC 9.2430(3) and provided for ease of reference below.

EC 9.2430(3) I-2 Light – Medium Industrial. This zone is limited to areas designated Light-Medium Industrial in the comprehensive plan or those that meet all of the following minimum siting requirements:

- (a) Access to arterial streets without undue negative impact on residential streets.**
- (b) No more than 5 acres.**
- (c) Sufficient street frontage to accommodate structures, parking, and access in character with adjacent non-industrial properties.**

I-2 zoning is limited to areas designated Light-Medium Industrial and the subject property is designated Light-Medium Industrial by the Metro Plan Diagram amendment approved as part of this set of applications. As such, the alternative siting standards on lands not designated Light-Medium industrial at EC 9.2430(3)(a)-(c) are not applicable.

Based on these findings, with approval of the proposed Metro Plan Diagram amendment, the siting requirements of EC 9.2430 are satisfied, and this criterion is met.

EC 9.8865(5): In cases where the NR zone is applied ...

This criterion does not apply because the proposed zone change does not include the NR zone.

OAR 660-012-0060 - Transportation Planning Rule

While not an approval criterion included in Eugene Code, zone change applications are required to demonstrate compliance with the State's Transportation Planning Rule under OAR 660-012-0060. Consistent with the findings under the Statewide Planning Goal 12, incorporated herein by reference, the proposed zone change is consistent with the Transportation Planning Rule.

CONCLUSION

Based on the available information and evidence, and the preceding findings of compliance with the applicable approval criteria, the proposed Metro Plan Amendment and Zone Change comply with the applicable approval criteria, subject to the following conditions of approval:

Trip Cap Condition of Approval

Site development shall be limited so as to generate no more than 438 PM peak hour vehicle trips as determined by the most current edition of the Institute of Transportation Engineers Trip Generation Manual. The City may allow development intensity beyond this maximum number of peak hour vehicle trips if the applicant submits to the appropriate approving agencies a transportation impact analysis demonstrating the proposed intensification of use is consistent with the Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060. The applicant shall seek, and the City shall consider such approval using the City's Type II land use application procedure.