COUNCIL ORDINANCE NO. 20655

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM AND THE WHITEAKER PLAN LAND USE DIAGRAM TO REDESIGNATHE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-25-41, TAX LOT 7000, AND ASSESSOR'S MAP 17-04-25-42, TAX LOT 100, FROM LIGHT MEDIUM INDUSTRIAL TO MIXED USE AND REZONE THE PROPERTY FROM I-2 LIGHT MEDIUM INDUSTRIAL WITH /SR SITE REVIEW OVERLAY TO S-W WHITEAKER SPECIAL AREA WITH /SR SITE REVIEW OVERLAY.

ADOPTED: July 12, 2021

SIGNED: July 14, 2021

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: August 14, 2021

ORDINANCE NO. 20655

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM AND THE WHITEAKER PLAN LAND USE DIAGRAM TO REDESIGNATHE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-25-41, TAX LOT 7000, AND ASSESSOR'S MAP 17-04-25-42, TAX LOT 100, FROM LIGHT MEDIUM INDUSTRIAL TO MIXED USE AND REZONE THE PROPERTY FROM I-2 LIGHT MEDIUM INDUSTRIAL WITH /SR SITE REVIEW OVERLAY TO S-W WHITEAKER SPECIAL AREA WITH /SR SITE REVIEW OVERLAY.

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

A. On July 14, 2020, 1400 Cross Street, LLC submitted applications for a Type I amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) plan diagram, an amendment to the Whiteaker Plan land use diagram, and a concurrent zone change to redesignate and rezone the property identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100. The applicant requested a Metro Plan designation change from the Light-Medium Industrial designation to a Mixed Use designation. Approval of the Metro Plan amendment results in the automatic concurrent amendment of the Whiteaker Plan land use diagram, giving the subject property a Mixed Use designation under the Whiteaker Plan. The zone change requested by the applicant would rezone the subject property from I-2 Light-Medium Industrial with a partial /SR Site Review overlay to S-W Whiteaker Special Area with /SR Site Review overlay over the entire property.

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 amendments to the Metro Plan plan diagram as shown in Exhibit A, and the Whiteaker Plan land use diagram as shown in Exhibit B.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Eugene-Springfield Metropolitan Area General Plan land use diagram is amended to redesignate the property identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100 from Light-Medium Industrial to Mixed Use, as depicted on Exhibit A attached hereto and incorporated herein by reference.

Section 2. Consistent with the provisions of section 9.7730(5) of the Eugene Code, 1971, the Land Use Diagram located between pages 36 and 39 of the Whiteaker Plan is amended to redesignate the property identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100 from Light-Medium Industrial to Mixed Use, as depicted on Exhibit B attached hereto and incorporated herein by this reference.

Section 3. The property identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100, is rezoned from I-2 Light-Medium Industrial with a partial /SR Site Review overlay to S-W Whiteaker Special Area with /SR Site Review overlay as

depicted on Exhibit C attached hereto and incorporated herein by this reference.

Section 4. The findings set forth in the attached Exhibit D are adopted in support of this Ordinance.

Section 5. Based on the findings set forth in Exhibit D attached hereto and adopted as findings in support of this Ordinance, the following limitation on development of the property identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100 is hereby imposed:

> Site development shall be limited so as to generate no more than 328 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 6. 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 July, 2021

Deputy **City Recorder**

Approved by the Mayor this

14 **day of July, 2021**

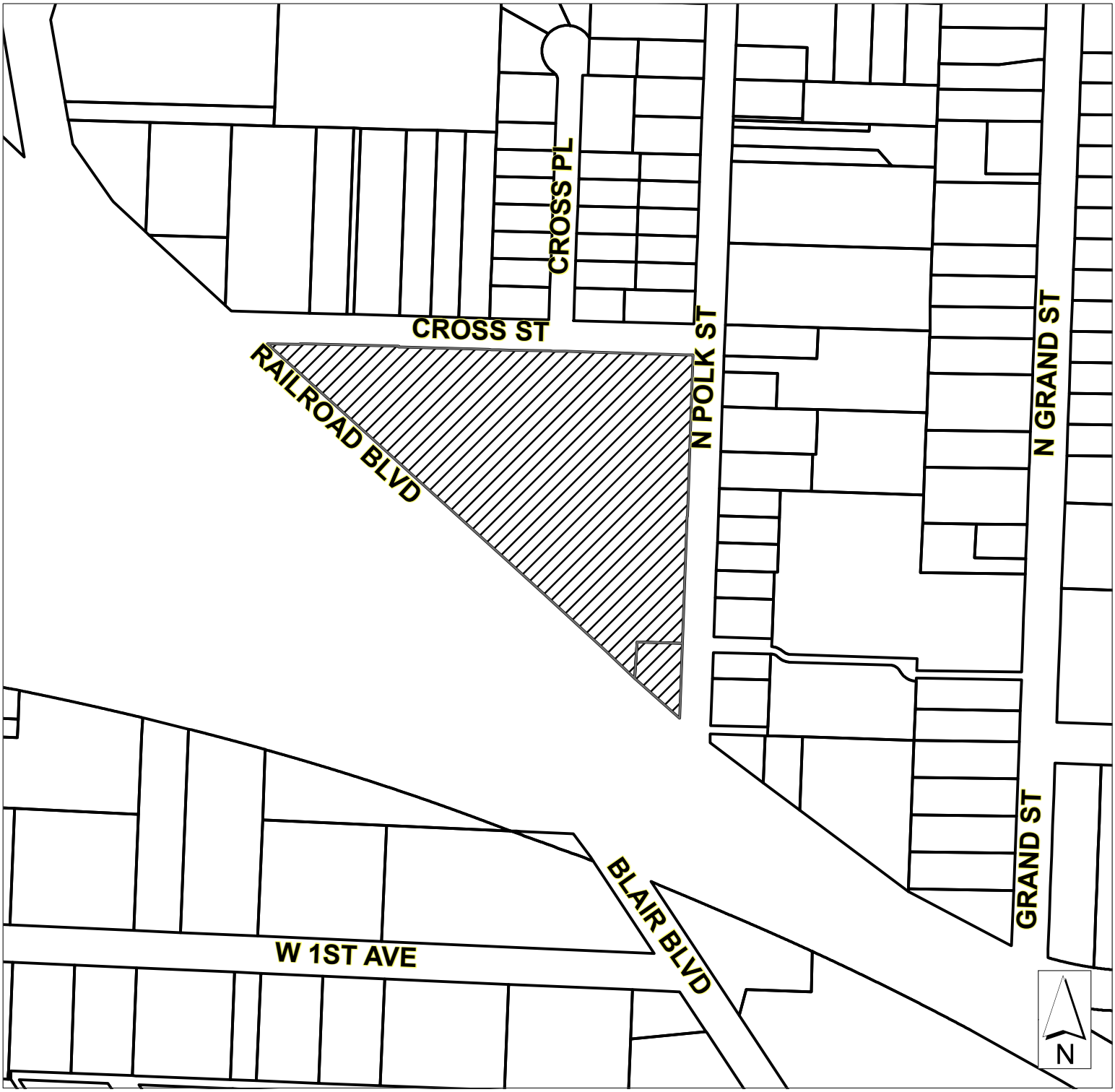
Lucy Vines

Mayor

Exhibit A

Metro Plan Designation

1400 Cross Street - City File: MA 20-2 / RA 20-2 / Z 20-8
Metro Plan Amendment, Refinement Plan Amendment & Zone Change



Mixed Use

Taxlots

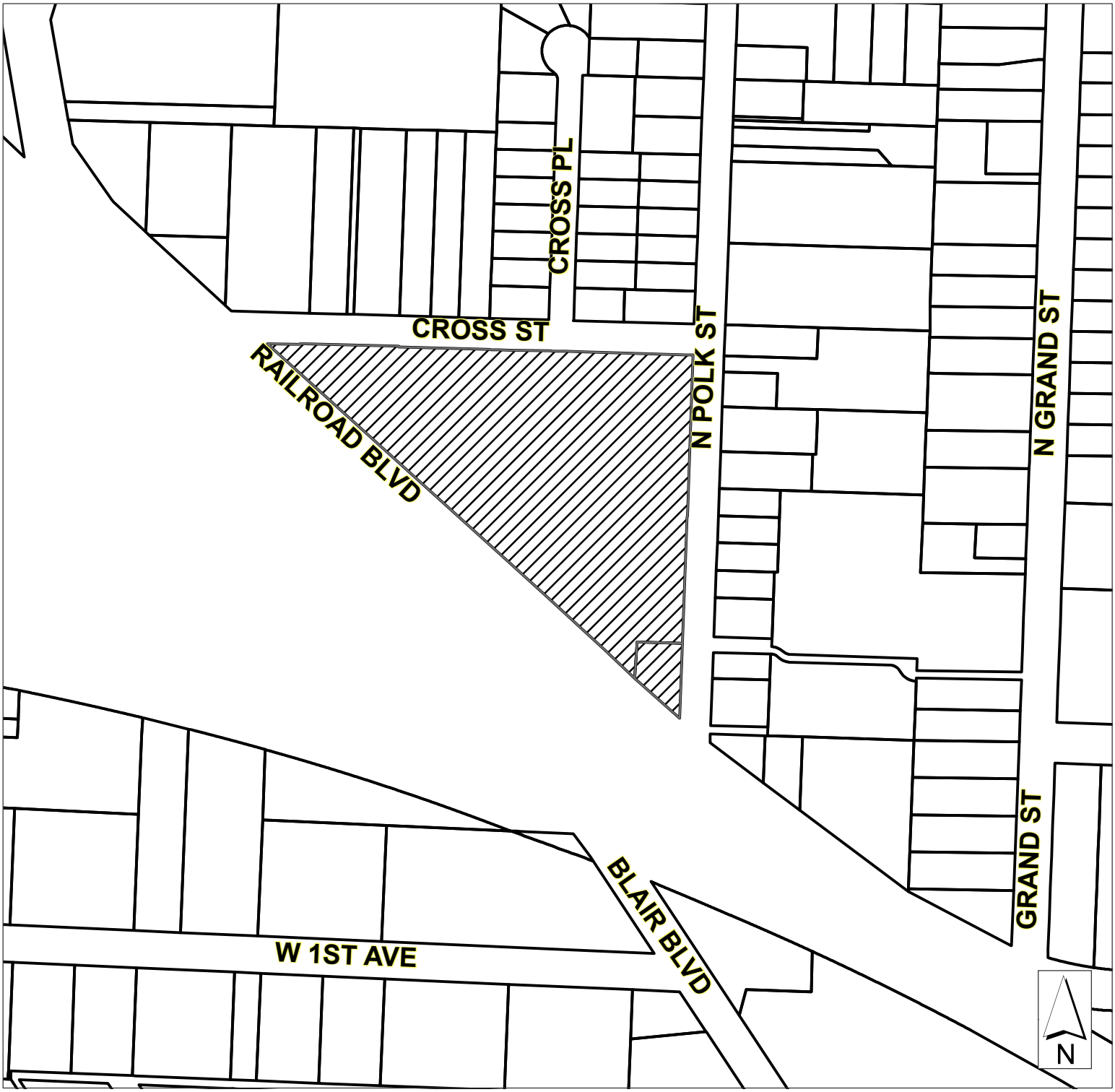
Assessor's Map 17-04-25-41, Tax Lot 7000 and
Assessor's Map 17-04-25-42, Tax Lot 100

Eugene

Exhibit B

Refinement Plan Designation

1400 Cross Street - City File: MA 20-2 / RA 20-2 / Z 20-8
Metro Plan Amendment, Refinement Plan Amendment & Zone Change



Mixed Use

Taxlots

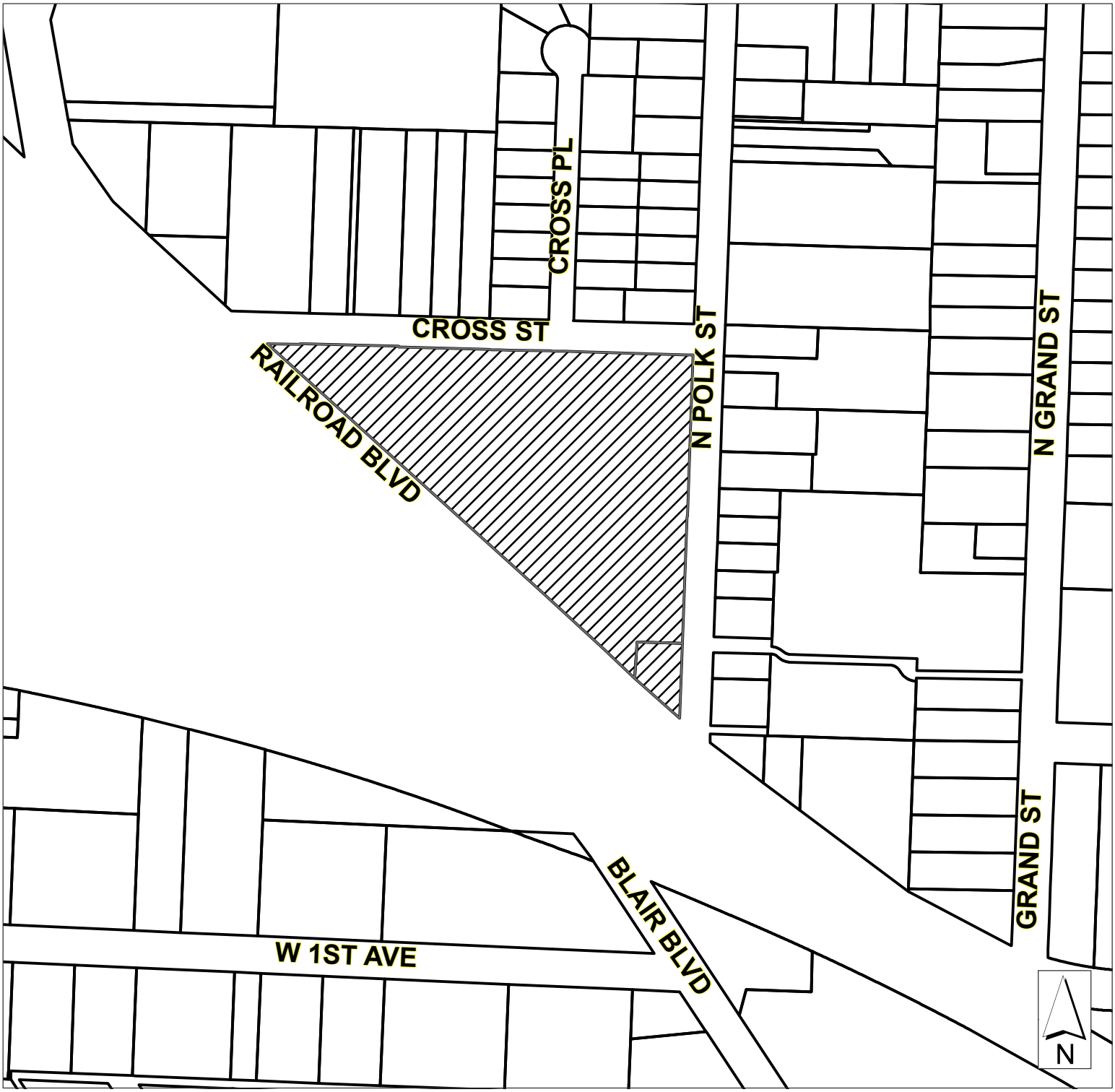
Assessor's Map 17-04-25-41, Tax Lot 7000 and
Assessor's Map 17-04-25-42, Tax Lot 100

Eugene

Exhibit C

Zone Change

1400 Cross Street - City File: MA 20-2 / RA 20-2 / Z 20-8
Metro Plan Amendment, Refinement Plan Amendment & Zone Change



S-W Whiteaker Special Area Zone with /SR Site Review Overlay

Taxlots

Assessor's Map 17-04-25-41, Tax Lot 7000 and
Assessor's Map 17-04-25-42, Tax Lot 100

Eugene

FINDINGS IN SUPPORT OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM AND WHITEAKER PLAN LAND USE DIAGRAM TO REDESIGNATE THE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-25-41, TAX LOT 7000 AND ASSESSOR'S MAP 17-04-25-42, TAX LOT 100, FROM LIGHT MEDIUM INDUSTRIAL TO MIXED USE AND REZONE THE PROPERTY FROM I-2 LIGHT-MEDIUM INDUSTRIAL WITH /SR SITE REVIEW OVERLAY TO S-W WHITEAKER SPECIAL AREA WITH /SR SITE REVIEW OVERLAY.

APPLICATION OVERVIEW

Name (File Numbers): 1400 Cross Street (MA 20-2 / RA 20-2 / Z 20-8)

Map No. / Tax Lots: 17-04-25-41 / 7000 and 17-04-25-42 / 100

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

1400 Cross Street Metro Plan/Refinement Plan Amendment & Zone Change			
Application (File #)	**Current**	**Proposed**	**Acres**
Metro Plan Amendment (MA 20-2)	Light-Medium Industrial	Mixed Use	4.62
Refinement Plan Amendment (RA 20-2)	Light-Medium Industrial	Mixed Use	4.62
Zone Change (Z 20-8)	Light-Medium Industrial	S-W Whiteaker Special Area with /SR Site Review	4.62

Table 1: Current/Proposed Plan Designations and Zoning

The subject property is located west of North Polk Street, northeast of Railroad Boulevard, and south of Cross Street. The site is comprised of two Tax Lots (Map 17-04-25-41, Tax Lot 7000 and Map 17-04-25-42, Tax Lot 100) and is 4.62 acres in size. Existing industrial businesses are located on Tax Lot 100, and one retail business located on Tax Lot 7000.

FINDINGS

This request for a Metro Plan Amendment (Type I) and concurrent applications are subject to the land use application procedures in the Eugene Code (EC) 9.7700-9.7735. The Metro Plan Amendment process at EC 9.7730(5) also triggers the need for an amendment to the Whiteaker Plan, which is the applicable refinement plan for this area. Per EC 9.8005, the requested Refinement Plan Amendment and Zone Change are being processed concurrently.

The following findings address details of the proposal in the context of compliance with the applicable approval criteria at EC 9.7735, EC 9.8424, 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 Light-Medium Industrial to Mixed Use. It 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 request:

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 (01/23/2020)
- 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 amendments and zone change began with a Planning Commission public hearing on January 26, 2021, providing an opportunity for members of the public to provide verbal testimony in additional 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 decision 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 for 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 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 does not impact the existing regulations that implement the air, water, and land resources quality protections. Given this fact, 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 amendment is consistent with Statewide Planning Goal 6.

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

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 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 Metro Plan Amendment 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, location, 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 11 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 developable area, the proposed amendment to the Metro Plan will have no impact on the City's adopted available or developable employment land capacity.

Further, 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. Goal 9 requires that the City provide for at least an adequate supply of sites of suitable size, types, locations, and service level for a variety of industrial and commercial uses consistent with Metro Plan Policies. Oregon Administrative Rule 660-009-000 et seq. (Division 9) establishes the applicability of Goal 9 rules. OAR 660-009-0010(4) states:

> *For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of 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, a city or county must address all applicable planning requirements, and:*
> *a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
> *b) Amend its comprehensive plans to incorporate the proposed amendment, consistent with the requirements of this division; or*
> *c) Adopt a combination of the above, consistent with the requirements of this division.*

The proposed Metro Plan Amendment involves a plan designation change of land in excess of four acres from a Light-Medium Industrial land use to Mixed Use designation. For the purposes of the City's ELSS, mixed use designations are grouped under the broad category of commercial uses. Therefore, because the proposed amendment proposes changes to the plan designation of land in excess of four acres from an industrial use to another employment use designation, OAR 660-009-010(4) applies.

For the purpose of demonstrating consistency with the ELSS, it is important to discuss how the ELSS categorizes the subject site and to review past measures the City has implemented to increase employment development based on the ELSS findings. The ELSS divides forecasted industrial employment growth into tax lot site sizes ranging from less than 10 acres or larger

than 10 acres. At just over 4.5 acres, the subject site falls into forecast for sites under 10 acres. The ELSS identified 404 acres of developable industrial lands less than 10 acres in size. Based on forecasted land need, the ELSS forecast calculated a surplus of 121 acres. Due to this identified surplus and in combination with deficiencies with other employment land types, the City pursued strategies to increase the supply of employment land capacity and efficiency such as consolidating small sites into larger sites and rezoning some areas zoned industrial to a new E-2 Mixed Use Zone (Envision Eugene Implementation: Employment and Industrial Zone Changes and Code Amendments; City Files CA 13-4 and Z 13-8). These efficiency measures resulted in a deficiency of 26 small-industrial acres. The City addressed this deficiency by including some smaller industrial sites in the Clear Lake UGB expansion area.

As discussed above, the ELSS does not identify the subject property in the inventory of available or developable industrial employment lands. In terms of potential loss of over four acres of designated industrial employment lands, the ELSS supports the proposed amendment following on the heels of the ELSS measures to increase capacity and efficiency of employment lands broadly within the urban growth boundary. First, the proposed amendment and zone change would permit a mixture of commercial and industrial uses with an emphasis on employment use flexibility while avoiding creating a non-conforming situation regarding current industrial development. Further, by allowing for more employment use types than in the industrial plan designation and zoning, the proposed mixed-use designation and zoning allows for greater employment capacity and reduces the need to expand the UGB for employment lands.

Additional findings addressing the relevant policies of the Metro Plan and Envision Eugene, consistent with OAR 660-009-0010(4)(a), are provided below under EC 9.7735(2) and (3) and are incorporated herein by reference.

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

Given these facts, the requested Metro Plan Amendment will not adversely impact the ability to provide opportunities for a variety of economic activities.

Based on these findings, the proposal 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 Administrative Rule for Statewide Planning Goal 10 (OAR 660 Division 8) states that "the mix and density of needed housing is determined in the housing needs projection. The Envision Eugene Residential Lands Supply Study (RLS), which includes Eugene's Housing Needs Assessment (HNA), determined that Eugene meets the demand for low, medium, and high-density residential land. Further, the Buildable Land Inventory (BLI) recognized the subject site as developed and designated for industrial development.

The RLS recognizes that Eugene has some additional new housing land supply made available through redevelopment of "developed" commercial land. In this case, the proposed amendments and zone change provide an opportunity to add 4.62 acres of mixed-use land which allows for the ability to develop low- to high-density residential uses that would not otherwise be allowed under the existing industrial plan designation and zoning. This allowance would create additional housing opportunities which exceed HNA and BLI assumptions, consistent with Goal 10.

The proposed amendments do not leave the City with less than adequate residential land supply in the types, locations, and affordability ranges affected. However, the fact remains that the site is currently developed with existing industrial uses and no plans for redevelopment of the site are under consideration at this time.

Based on these findings, the proposal meets the Goal 10 requirements to the extent they could be construed as being applicable in this case.

> **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. Based on this finding, Statewide Planning Goal 11 does not apply. However, as a note, all necessary public services exist or are readily available near the subject site.

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

Statewide Planning 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-2) and proposed (S-W) zone. City staff concurred with the scope of the study, and the analysis was initially found to be consistent with the agreed upon scope of work.

The applicant's TPR analysis concluded 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) though (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 initially concurred with the consultant's methodology and findings, 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 River Road and Railroad Boulevard (also NW Expressway) and Railroad Boulevard and Polk Street.

Additionally, staff reevaluated the assumptions and conclusion of the applicant's TPR analysis and found one key issue with the applicant's assumptions. The applicant's worst-case scenario proposed a 5,000 square foot convenience store, which is only allowed in the I-2 zone under

certain limitations. One such limitation, under EC 9.2451(4) requires convenience stores (up to 5,000 square feet) in the I-2 zone to be located on development sites with frontage on an arterial street (major or minor). However, this site does not front an arterial street. Railroad Boulevard, the highest classification street fronting the subject property, is classified as a major collector. Therefore, a "convenience store" cannot be reasonably be considered as an allowed use on the subject property as part of the applicant's TPR assumptions.

The applicant's traffic engineer provided revised reasonable worst-case scenario findings on March 1, 2021 (Sandow Engineering TPR Trip Cap Memorandum). The applicant's revised assumptions eliminated the convenience store use and decreased the percentage of lot coverage committed to landscaping, stormwater facilities, and setbacks. The applicant also added "car repair, paint, and body shop" as a proposed use which is permitted in the I-2 zone. The revised worst-case peak hour trip generation count decreased from 453 PM peak hour trips to 328 PM peak hour trips. The revisions to the reasonable worst-case scenario under current zoning more accurately reflect a reasonable worst-case scenario considering the I-2 permitted uses and development standards. The applicant's traffic engineer further defends the revised assumptions by comparing local precedents in their March 15, 2021 memorandum.

The proposed amendments and zone change continue to result in a "significant effect" under OAR 660-012-0060(1)(c)(C) due to impact to the intersection at River Road and Railroad Boulevard (also NW Expressway) and Railroad Boulevard and Polk Street, as discussed further below.

The City uses Level of Service (LOS) as our performance standard to determine significant effect and the adopted performance standard is a minimum LOS E, at all intersections outside of the downtown area. LOS can be generally described as a measure of the amount of time delay expected at a given intersection. LOS ranges from A to F, with A indicating the most desirable condition and F indicating the most unsatisfactory condition. The applicant's traffic study identified two intersections within the study area that do not meet the minimum LOS standard at the end of the planning period for the current designation or the amended designation. The intersection of River Road and Railroad Boulevard (also NW Expressway) is projected to perform at LOS "F" at the end of the planning period. The intersection of Railroad Boulevard and Polk Street is also projected to perform at LOS "F" at the end of the planning period. Therefore, the increased number of vehicle trips generated by the proposed amendment will further degrade the performance of an existing facility such that it would not meet the performance standards identified in the TSP. Based on these facts, the requested change triggers a significant effect under TPR 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 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.

(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.

Neither staff nor the applicant proposes measures listed in subsections (a) through (c) or (e). The following trip cap condition is recommended as a simple remedy and is a mitigation tool 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 and zoning. To calculate the number of trips for the trip cap condition, the analysis uses the most reasonable buildout scenario under the current plan designation and zoning, which was calculated in the applicant's updated trip cap 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.

> Recommended Trip Cap Condition of Approval
> Site development shall be limited so as to generate no more than 328 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.

This trip cap condition provides an enforceable, ongoing requirement limiting traffic generation to a level consistent with the current Metro Plan designation. Therefore, the proposed Metro Plan amendment (and zone change) will not increase trip generation, thereby demonstrating compliance with the requirements of the TPR. 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 revised findings and proposed condition of approval, 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 amendments do 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 amendments do 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 the property affected by these amendments. Based on this finding, Statewide Planning Goals 16 through 19 do not apply.

Based on the findings above, the Metro Plan Amendment complies with 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, nor do any appear to be directly relevant to this site-specific 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 provides relevant, general support for the amendment to the Metro Plan Diagram:

EE Policy 3.1 Employment growth. Plan for an employment growth rate that is identified in the current adopted Economic Opportunities Analysis. Strive to capture a majority of the region's employment growth within the City of Eugene.

EE Policy 3.21 Parcel assembly. Facilitate reconfiguration of smaller vacant or underutilized industrial parcels to create redevelopment opportunities within the urban growth boundary.

EE Policy 3.35 Neighborhood vitality. Recognize the vital role of commercial facilities that provide services and goods in complete, walkable neighborhoods throughout the

community. Encourage the preservation and creation of affordable neighborhood commercial space to support a broad range of small business owners across all neighborhoods.

Each of the policies above come from Economic Development Chapter of the EE Comprehensive Plan. The applicant contends that the proposed amendment will diversify industrial and commercial uses permitted on the site as well which can better serve the Whiteaker Neighborhood and broader Eugene community. The proposed amendment and concurrent zone change will expand the variety of uses permitted on the property while applying additional development standards meant to promote overall neighborhood compatibility between otherwise noncompatible uses (i.e. low-density residential and industrial). Based on these facts, the proposed amendment and concurrent zone change are generally supported by the EE 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.

REFINEMENT PLAN AMENDMENT

The proposed Metro Plan Amendment also triggers the need for an amendment to the Whiteaker Plan (WP), which is the applicable refinement plan for this area. The subject property is located in the South Sladden Subarea, as identified in the WP. The WP's land use diagram designates the property as Light-Medium Industrial. Per EC 9.7730(5)(b), since no text amendment is required, the refinement plan designation would change automatically to Mixed Use to remain consistent with the Metro Plan. This only occurs if the amendment to the Metro Plan land use designation is approved. The following findings address the applicable approval criteria for the related refinement plan amendment:

EC 9.8424(1): The refinement plan amendment is consistent with all of the following:

(a) Statewide planning goals.

The findings addressing consistency with the Statewide Planning Goals are included above under Metro Plan Amendment approval criterion EC 9.7735(1), incorporated herein by reference. Based on those findings, the proposal is consistent with the Statewide Planning Goals.

(b) Applicable provisions of the comprehensive plan.

Per the findings above under Metro Plan Amendment approval criteria EC 9.7735(2) and EC 9.7735(3), incorporated herein by reference, the proposal is consistent with the provisions of the comprehensive plan.

(c) Remaining portions of the refinement plan.

The proposed amendment to the refinement plan only includes the automatic amendment to the land use diagram through the procedures identified at EC 9.7730(5). No other amendments to the WP are proposed.

The subject property is located in the South Sladden Area, Subarea 9, of the WP. The plan designations of this area, which vary considerably, include a designation of mixed use along West 1st Avenue and Railroad Boulevard adjacent to the subject property. In this subarea the following policy is applicable:

> 2. In the South Sladden area, change the zoning of parcels designated on the Whiteaker Plan Diagram as mixed use to Whiteaker MU-W. Apply the site review subdistrict to all property zoned MU-W.

This policy was originally implemented through the zoning of the adjacent mixed-use designated areas (previously known as MU-W, Whiteaker Mixed Use District). That zone was subsequently reclassified as part of the City's land use code update in 2001 from MU-W to S-W, Whiteaker Special Area Zone. For consistency with this WP policy, the applicant has proposed to apply the /SR Site Review overlay zone. The applicant's concurrent proposal to rezone the subject property from I-2 to S-W/SR is consistent with the WP policy noted above.

There are no other policies in the WP that appear to serve as mandatory approval criteria or require further analysis in this instance, and the proposed plan amendment is otherwise consistent with the WP.

Based on the available information, EC 9.8424(1) is met.

EC 9.8424(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 concurrent amendment to the plan designation on the Metro Plan diagram constitutes a "new or amended community policy" per EC 9.8424(2) above. Per the findings pertaining to the Metro Plan diagram amendment at EC 9.7735, incorporated herein by reference, the designation change is consistent with all Statewide Planning Goals and the existing Metro Plan policies. Therefore, if the requested Metro Plan Amendment is approved, the refinement plan must respond to remain consistent. Based on these findings, this criterion is met.

ZONE CHANGE EVALUATION

The applicant's request includes a concurrent zone change request from I-2 Light-Medium Industrial to S-W Special Whiteaker Mixed Use with /SR Site Review overlay, to bring the zoning into conformance with the proposed Mixed Use plan designation. The following findings address the applicable approval criteria for the related 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 9.3905, the requested S-W Whiteaker Special Area Zone implements the mixed use designation of the Whiteaker Plan. The analysis and findings under the refinement plan amendment criteria, incorporated herein by reference, provide positive findings for consistency between the S-W, Whiteaker Special Area zoning and the mixed use designation of the Metro Plan. Therefore, as the current Metro Plan designation is Light-Medium industrial, consistency with this provision is contingent upon the approval of the Metro Plan Amendment to amend land use designation. With respect to Metro Plan policies, there appear to be no policies that would serve as mandatory approval criteria for this zone change or require further analysis beyond that provided above for the requested plan amendment.

Based on these findings, and with approval of the proposed Metro Plan 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.

The subject property is within the boundaries of the Whiteaker Plan (WP), which is the applicable adopted refinement plan for the area of this request. The WP identifies the subject property as being designated for Light-Medium Industrial. However, according to the Metro Plan Amendment procedures at EC 9.7730(5)(b), if the requested plan diagram amendment is enacted and no text in the refinement needs to be amended, then the WP's land use diagram is automatically amended to remain consistent with the Metro Plan. There are no text amendments proposed or otherwise required in this instance. Therefore, if the concurrent Metro Plan Amendment is approved, the WP's land use diagram will automatically be amended and be consistent with the proposed zoning. Other than the policy addressed at EC 9.8424(1)(c)

above, no other polices listed in the WP appear to serve as mandatory approval criteria for this zone change or require further analysis beyond that provided above for the requested plan amendment.

Based on these findings, and with approval of the proposed plan amendment, 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: Adjacent to the subject property in the northwest corner is a 54-inch public sewer line flowing east from MH 9255 to 9373 and 9292 on Cross Street. Additionally, there is an 8-inch public wastewater line at MH10274 along Polk Street from Railroad Blvd to Cross Street.

Stormwater: Public Stormwater facilities exist within the right-of-way of both Polk and Cross Streets via weepholes in the curb and existing storm drains. There do not appear to be any downstream capacity issues within the area and any future development will be required to meet standards set forth in the Stormwater Management Manual and Chapter 9 of the Eugene Code.

Streets: The property has primary frontage on Railroad Blvd which is identified as a major collector, as well as access connections to both the local streets Polk Street and Cross Street. All roadways are owned and maintained by the City of Eugene and are fully paved, with sidewalks, curb and gutter, and additionally street trees and streetlights in several areas surrounding the property. Street standards will be required to be addressed at the time of any 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 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 street network. Three public transit stops are located adjacent to the subject property. Sidewalks are present along all street frontages of the subject property.

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:

(o) EC 9.3905 Whiteaker Special Area Zone Siting Requirements.

The applicant has requested a change to the S-W Whiteaker Special Area zone. The specific siting standards for S-W are listed under EC 9.3905 and provided for ease of reference below.

EC 9.3905: S-W Whiteaker Special Area Zone Siting Requirements. In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be planned for a special mix of uses in the Whiteaker Neighborhood Plan.

As the siting requirements state that S-W is limited to areas designated for mixed use in the WP, compliance with this provision is contingent upon the approval of the concurrent plan amendment. Therefore, the proposal complies with EC 9.3905.

Based on these findings, with approval of the proposed plan amendment, the siting requirements will be 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, Refinement Plan Amendment, and Zone Change comply with the applicable approval criteria, subject to the following condition of approval:

> Trip Cap Condition of Approval
> Site development shall be limited so as to generate no more than 328 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.