



AGENDA

Meeting Location:

Sloat Room

Atrium Building

99 West 10th Avenue

Eugene, Oregon 97401

Phone: 541-682-5481
www.eugene-or.gov/pc

The Eugene Planning Commission welcomes your interest in this agenda item. Feel free to come and go as you please at the meeting. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the Planning Department at 541-682-5675.

TUESDAY, APRIL 12, 2016 – 6:00 P.M.

PUBLIC HEARING: BRENELAINE INV. (MA 15-3/RA 15-2/Z 15-7/CA 16-1)

The Planning Commission will hold a public hearing and possibly deliberate on the proposed Metro Plan diagram amendment, refinement plan diagram and policy text amendments, zone change, and code amendment for the Brenelaine Investments property

Lead City Staff: Zach Galloway, 541-682-5485
Zach.a.galloway@ci.eugene.or.us

Public Hearing Format:

The Planning Commission will receive a brief City staff report followed by an opportunity for public comment. Time limits on testimony may be imposed. The Planning Commission may seek a response to testimony from City staff. At the end of the hearing, the Planning Commission Chair will announce whether the record is closed, the record will be held open, or the public hearing will be continued.

Commissioners: Steven Baker; John Barofsky; John Jaworski (Chair); Jeffrey Mills; Brianna Nicoletto; William Randall; Kristen Taylor (Vice Chair)

AGENDA ITEM SUMMARY
April 12, 2016

To: Planning Commission

From: Zach Galloway, AICP, Planning Division

Subject: Public Hearing on Brenelaine Investments Metro Plan Diagram Amendment, Refinement Plan Diagram and Policy Text Amendments, Zone Change and Code Amendment. (City file #: MA 15-3/ RA 15-2/ Z 15-7/ CA 16-1)

ACTION REQUESTED: Hold a Planning Commission public hearing and possibly deliberate on the proposed Metro Plan diagram amendment, refinement plan diagram and policy text amendments, zone change, and code amendment for the Brenelaine Investments property.

BRIEFING STATEMENT: On April 12, 2016, the Planning Commission will hold a public hearing on a privately-initiated, site-specific Metro Plan Diagram Amendment, Refinement Plan re-designation and policy text amendments, concurrent Zone Change, and Code Amendment. The subject site consists of two tax lots covering approximately 8.75 acres. The site is located in the River Road community near the intersection of Maxwell Road, Maxwell Connector, North Park Avenue, and the Northwest Expressway (Attachment A). These applications are briefly summarized in the table below and can be viewed in Attachment B.

Brenelaine Investments, LLC property				
Map & tax lot numbers: 17-04-14-32-8600 and -8900 (approximately 8.75 acres total; 7.19 acres are the subject of these findings)				
Application	Current	acres	Proposed	acres
Metro Plan Amendment	Commercial	8.75	Medium Density Residential	7.19
			Commercial (unchanged)	1.56
Refinement Plan Amendment ¹	Commercial	8.75	Medium Density Residential	7.19
			Commercial (unchanged)	1.56
Zone Change ²	GO General Office	7.19	R-2 Medium Density Residential	7.19
	C-1 Neighborhood Commercial	1.56	C-1 Neighborhood Commercial (unchanged)	1.56
Code Amendment	The Code Amendment is necessary to implement the proposed Refinement Plan text amendment. Eugene Code section 9.9500 includes codified refinement plan policies, including the one proposed for amendment herein.			

¹ The proposed refinement plan amendment includes a complementary policy text amendment.

² The /WR Water Resources Conservation and /SR Site Review Overlay Zones remain applicable on the subject lots and are not affected by the proposed zone change. The /WR overlay zone does not apply to the C-1 portion of the subject site.

SUMMARY OF LAND USE APPLICATIONS: The Eugene Code allows lower level application types, such as a Type III Zone Changes, to be considered concurrently with higher level application types in a single public review process. In this particular set of applications, the inclusion of a Metro Plan, Type I amendment means the other associated applications are reviewed concurrently under the Metro Plan amendment procedures. The applicant's proposal includes four land use applications (Attachment D) – Metro Plan Amendment, a Refinement Plan Amendment of the plan diagram and policy text, a Zone Change, and a Code Amendment – that are summarized below.

Metro Plan Amendment (EC 9.7735). The proposed amendment to the Metro Plan Diagram is to change the land use designation from Commercial to Medium Density Residential for 7.19 acres of the subject site. The overall site consists of two tax lots, and only the southern portion is proposed for amendment. The northern appendage that fronts Maxwell Road is not the subject of this application, and it will retain the current Commercial designation.

Refinement Plan Amendment: Plan Diagram and Policy Text (EC 9.8424). There are two proposed refinement plan amendments to the River Road-Santa Clara Urban Facilities Plan. The first is a parallel amendment to the Metro Plan Diagram, changing the land use designation from Commercial to Medium Density Residential for 7.19 acres of the subject site. The second part is a proposed policy text amendment that is a complement to the land use designation change.

Zone Change (EC 9.8865). The proposed zone change is a concurrent implementation of the Metro Plan and refinement plan amendments for 7.19 acres of the subject site. The proposed land use designation and policy text amendments enable the zone change from the existing GO General Office zone to the R-2 Medium Density Residential. The existing C-1 Neighborhood Commercial zone on the northern portion of Tax Lot 17-04-14-32-8600 remains unchanged, as do the existing /WR Water Resources Conservation and /SR Site Review overlay zones.

Code Amendment (EC 9.8065). The last proposed action within the package of applications is a land use code amendment to codify the policy text amendment. Many refinement plans policies are codified in the Eugene Land Use Code to ensure implementation and consideration during the analysis of various land use application types. This code amendment is necessary to reflect the policy text amendment.

Process

These land use applications are subject to quasi-judicial procedures (EC 9.7065 through EC 9.7095) for the upcoming public hearing, as well as the approval criteria from the Eugene Code (EC) for each application type. The applicant's written statement addresses the approval criteria from for the Metro Plan Amendment, refinement plan amendments, zone change, and code amendment. The Eugene Code (EC) requires City staff to prepare a written report concerning an application for said amendments and zone changes. In accordance with EC 9.7320, the staff report must be printed and available prior to the public hearing to allow

citizens an opportunity to learn about the proposal and review the staff analysis. This agenda item summary and the attached preliminary findings (Attachment C) addressing compliance with the applicable approval criteria constitute the initial staff report on this matter. The staff report provides only preliminary information and recommendations.

The Planning Commission will consider additional public testimony and other materials presented at the public hearing before making a decision on the application(s). Pursuant to EC 9.7730, after close of the public record, the Commission shall adopt a written recommendation to the City Council to approve, approve with modifications or deny the applications, based on the required approval criteria. The requests will be heard before the Eugene City Council in a separate public hearing following Planning Commission action.

Application, Referrals and Public Hearing Notice

The applications were originally submitted on July 2, 2015. After re-submittal to address incomplete items, it was deemed complete on February 8, 2016. Subsequent to deeming the applications complete, on February 12, 2016 the City mailed notice of the proposed plan amendments to the Department of Land Conservation and Development, as required by the Eugene Code and in accordance with State statutes.

Referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), Lane Council of Governments, City of Springfield, Lane County, the affected Neighborhood Association (River Road Community Organization), and to City departments. On March 13, 2016, notice of the Planning Commission public hearing was mailed to the applicant, owners and occupants of property within 500 feet of the subject property and the River Road Community Organization. On March 23, 2016, notice of the Planning Commission public hearing was published in the Register-Guard, in accordance with the Eugene Code.

Public Testimony

In accordance with local code requirements, on March 13, 2016, the Planning Division mailed notices to the applicant, owners and occupants of property within 500 feet of the subject property and the River Road Community Organization. To date, Planning staff has not received any written correspondence or phone calls regarding the proposals. Any written testimony received after the issuance date of this report will be provided to the Planning Commission for consideration in making a decision. Public testimony, written or otherwise, may also be presented at the public hearing on this matter.

As required by the code, the design team convened a neighborhood meeting on August 28, 2015. A summary of that meeting, including all questions asked by local residents, is included in the application materials.

Applicable Criteria

The Planning Commission must address the relevant approval criteria from EC 9.7735, EC 9.8424, 9.8865, and 9.8065, as listed below, in making recommendations to the City Council on the proposals. The preliminary findings addressing these approval criteria prepared by staff are

attached for the Planning Commission's consideration (Attachment C).

9.7735 Metro Plan Amendments – Criteria for Approval.

- (1) The proposed amendment is consistent with the relevant Statewide Planning Goals; and**
- (2) The proposed amendment does not make the Metro Plan internally inconsistent.**
- (3) When the city-specific local comprehensive plan also applies, the proposed amendment is consistent with the city-specific local comprehensive plan.**

9.8424 Refinement Plan Amendment Approval Criteria.

- (1) The refinement plan amendment is consistent with all of the following:**
 - (a) Statewide planning goals.**
 - (b) Applicable provisions of the Metro Plan.**
 - (c) Remaining portions of the refinement plan.**
- (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.**

9.8865 Zone Change Approval Criteria.

- (1) The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.**
- (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.**
- (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.**
- (4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:**
 - (f) EC 9.2735 Residential Zone Siting Requirements.**
- (5) In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the city to ensure the area is maintained as a natural resource area for a minimum of 50 years.**

9.8065 Code Amendment Approval Criteria.

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.**
- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.**
- (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.**

STAFF EVALUATION: The basis for this request is to enable residential uses to occur on southern portion of the currently vacant subject properties. The site is surrounded by existing development on all sides, including single family houses to the east and south, St. Peter Catholic Church to the west across the Maxwell Connector, and commercial development to the north along Maxwell Road.

The applicant's concurrent application materials address the necessary criteria noted above to support the re-designations, policy text amendments, zone change, and code amendment, all of which will enable medium density residential uses on the subject site. The attached preliminary findings conclude that this request is consistent with Statewide Planning Goals, the Metro Plan, and other applicable approval criteria.

RECOMMENDATION: Staff recommends that the Planning Commission hold a public hearing and review the public testimony related to these proposed amendments. Following the public hearing, the Planning Commission will deliberate on the proposed amendments and provide a recommendation to the City Council.

In the event the Planning Commission does not finish deliberations or provide a recommendation immediately following the hearing, deliberations are scheduled for Monday, April 18, 2016.

ATTACHMENTS: A number of relevant items are attached to this report. The Planning Commission will be provided separately with a full set of the application materials and any public testimony for review. These materials are available for review at the Planning Division office and on the City's land use application website. Copies of these materials can also be provided upon request, for a fee.

- A. Vicinity Map
- B. Metro Plan and Refinement Plan amendments and Zone Change
- C. Findings
- D. Application materials
- E. Public Works Department Referral Comments from Scott Gillespie, PE

FOR MORE INFORMATION

To submit public testimony or for more information, please contact Zach Galloway, AICP, Senior Planner at 541.682.5485 or zach.a.galloway@ci.eugene.or.us.

Land use application website:

<http://ceapps.eugene-or.gov/PDDONLINE/LandUse/ApplicationSearch>

Planning Commission website: www.eugene-or.gov/pc



Brenelaine Inv. (Z 15-7/MA 15-3/RA 15-2) 17-04-14-32/08600, 08900



 Subject Site

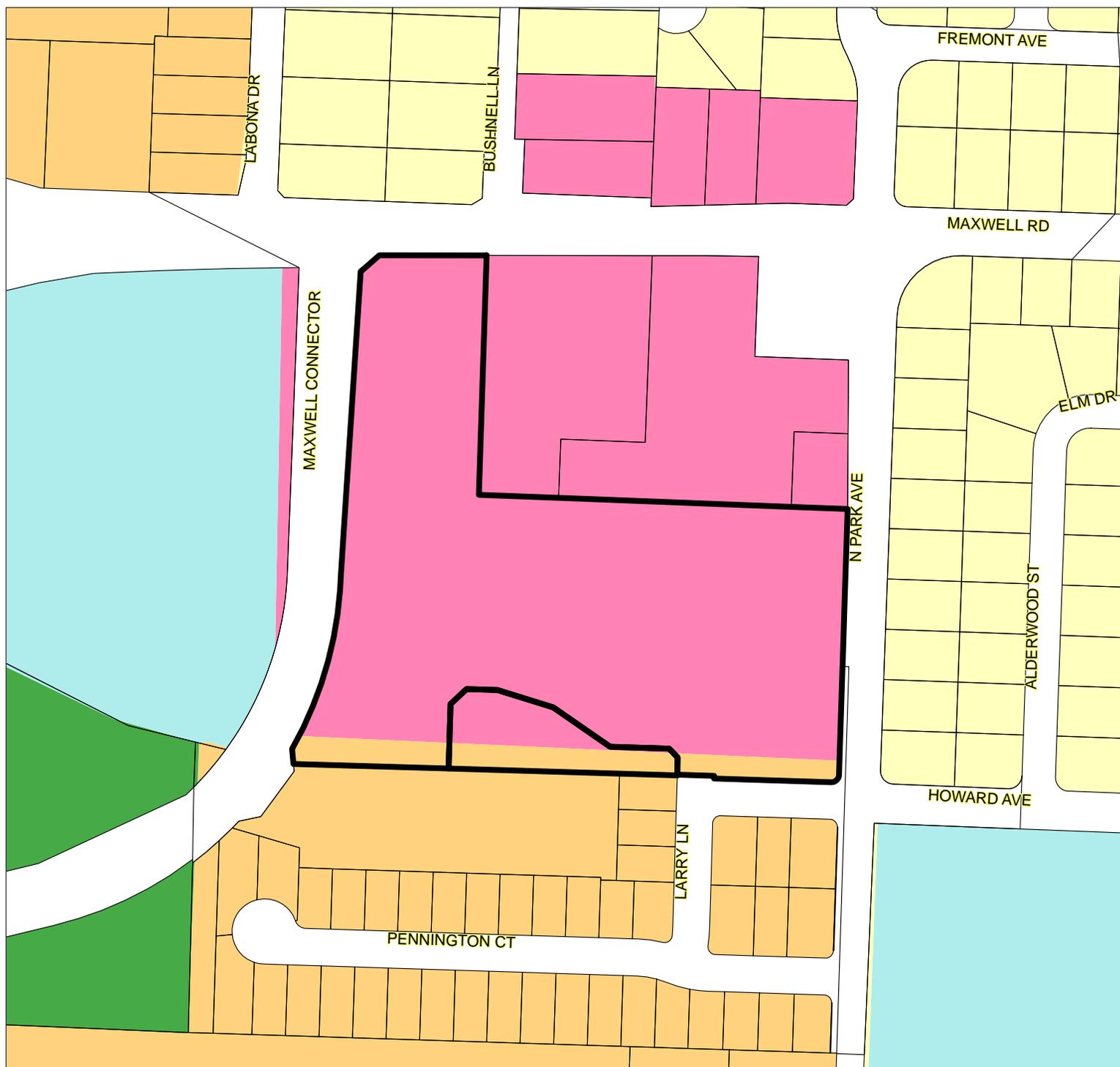




Existing Metro Plan Designations

Brenelaine Inv. (Z 15-7/MA 15-3/RA 15-2)

17-04-14-32/08600, 08900



Existing Metro Plan Designations

- L, Low Density Residential
- M, Medium Density Residential
- C, Commercial
- E, X, Government & Education
- P, Parks and Open Space

Subject Site

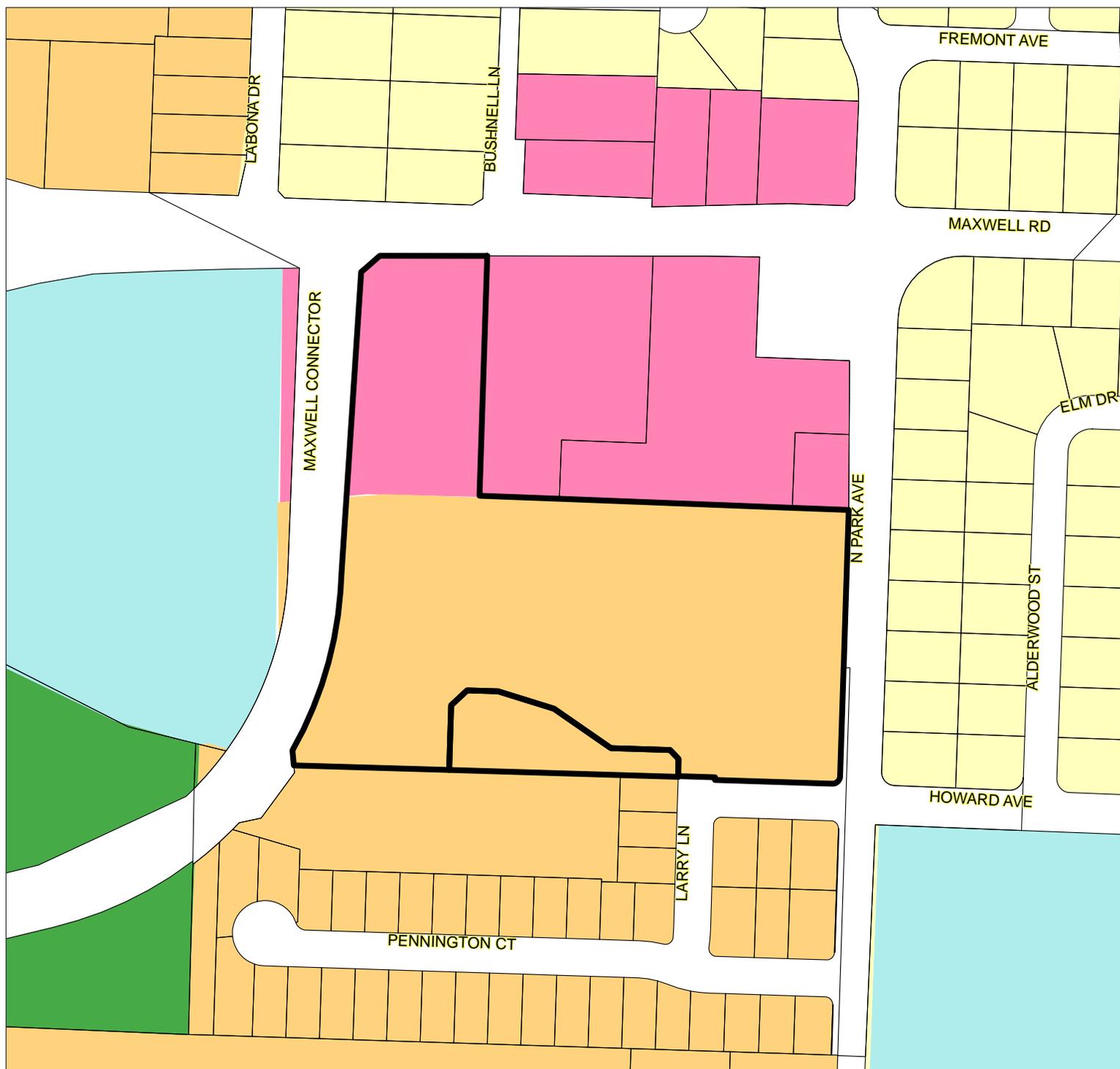




Proposed Metro Plan Designations

Brenelaine Inv. (Z 15-7/MA 15-3/RA 15-2)

17-04-14-32/08600, 08900



Proposed Metro Plan Designations

- L, Low Density Residential
- E, X, Government & Education
- M, Medium Density Residential
- P, Parks and Open Space
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Subject Site

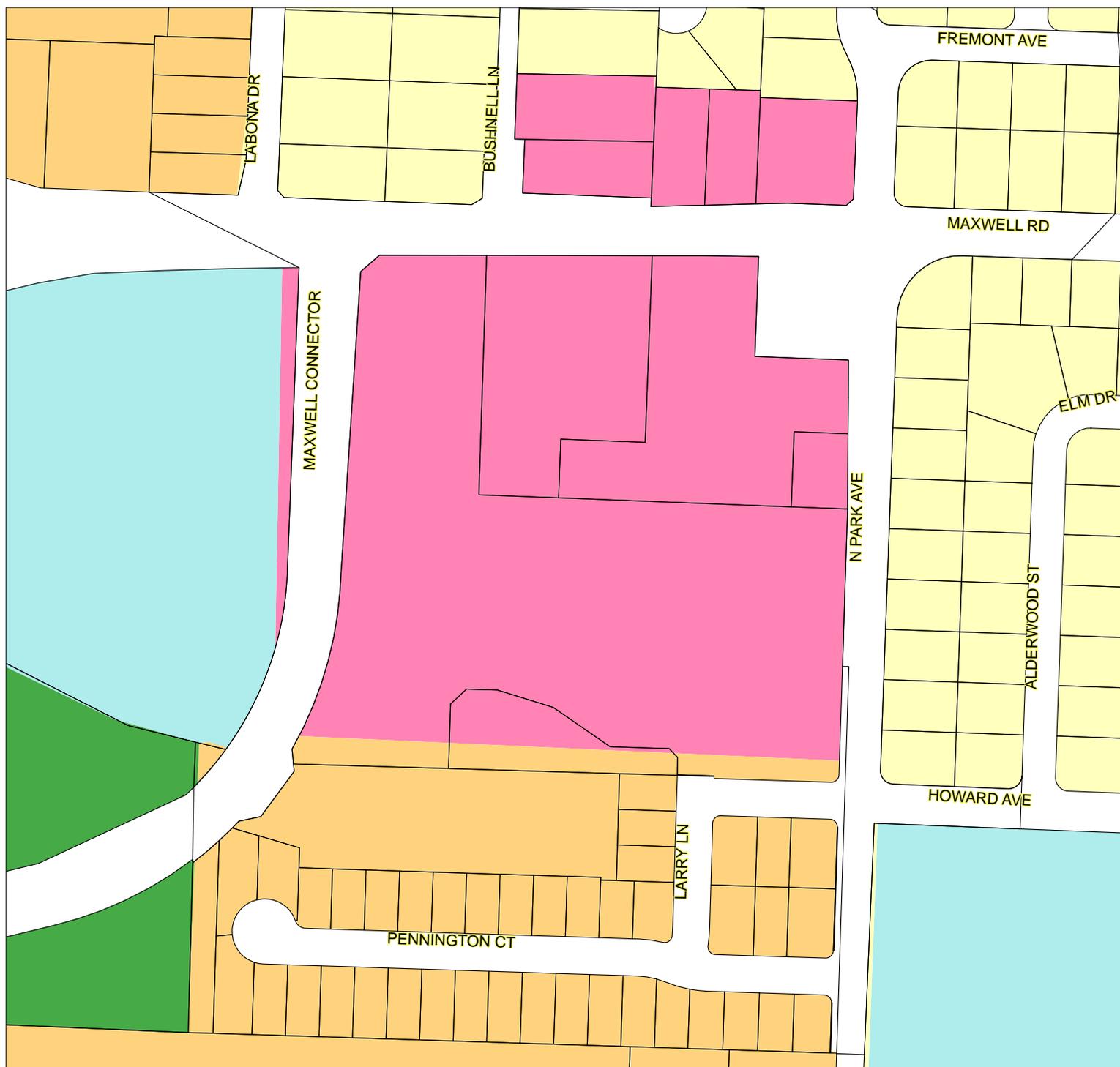




Existing Refinement Plan Designations

Brenelaine Inv. (Z 15-7/MA 15-3/RA 15-2)

17-04-14-32/08600, 08900



Existing Refinement Plan Designations

- L, Low Density Residential
- E, X, Government & Education
- M, Medium Density Residential
- P, Parks and Open Space
- C, Commercial

Subject Site

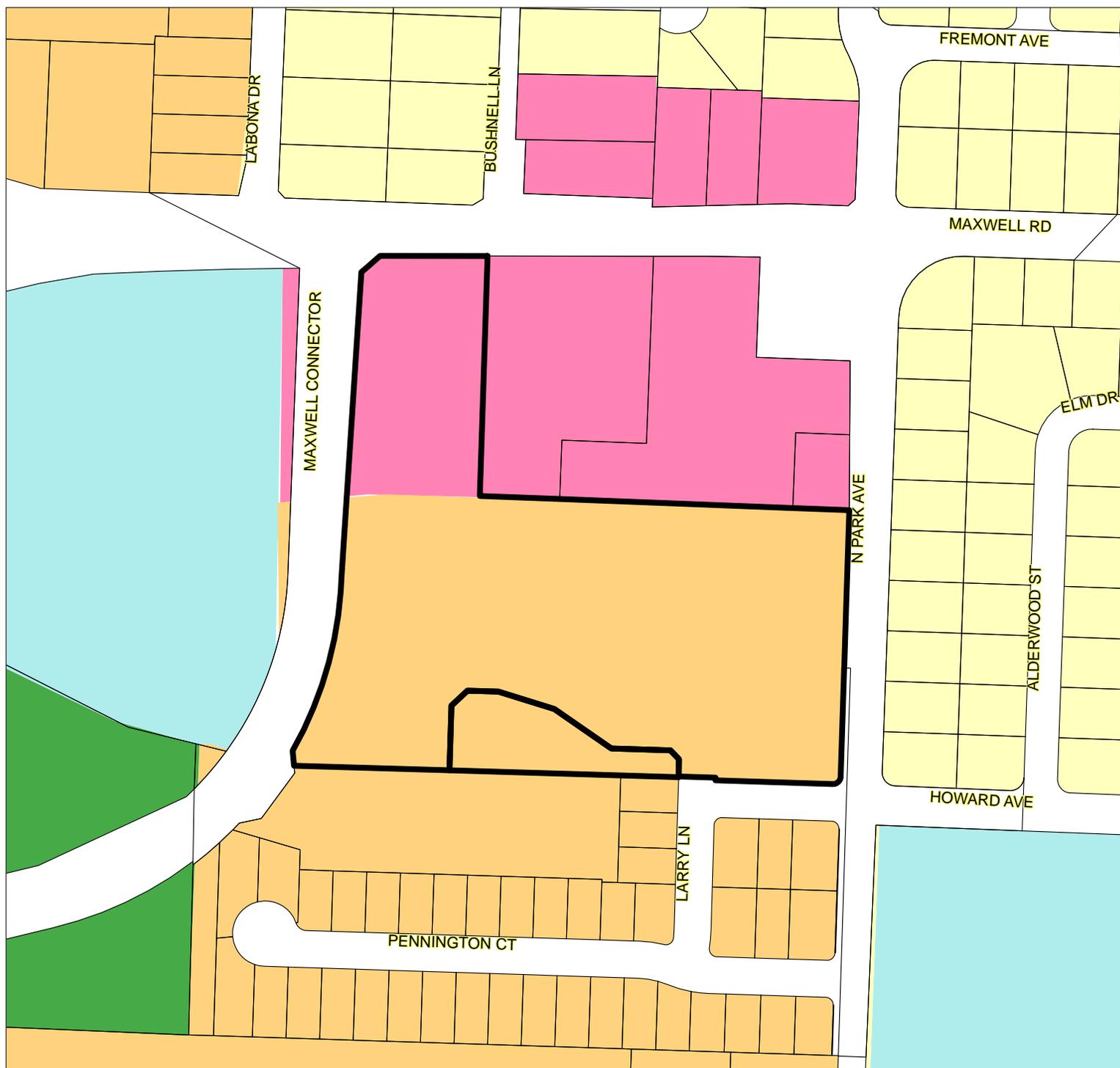




Proposed Refinement Plan Designations

Brenelaine Inv. (Z 15-7/MA 15-3/RA 15-2)

17-04-14-32/08600, 08900



Proposed Refinement Plan Designations

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Subject Site

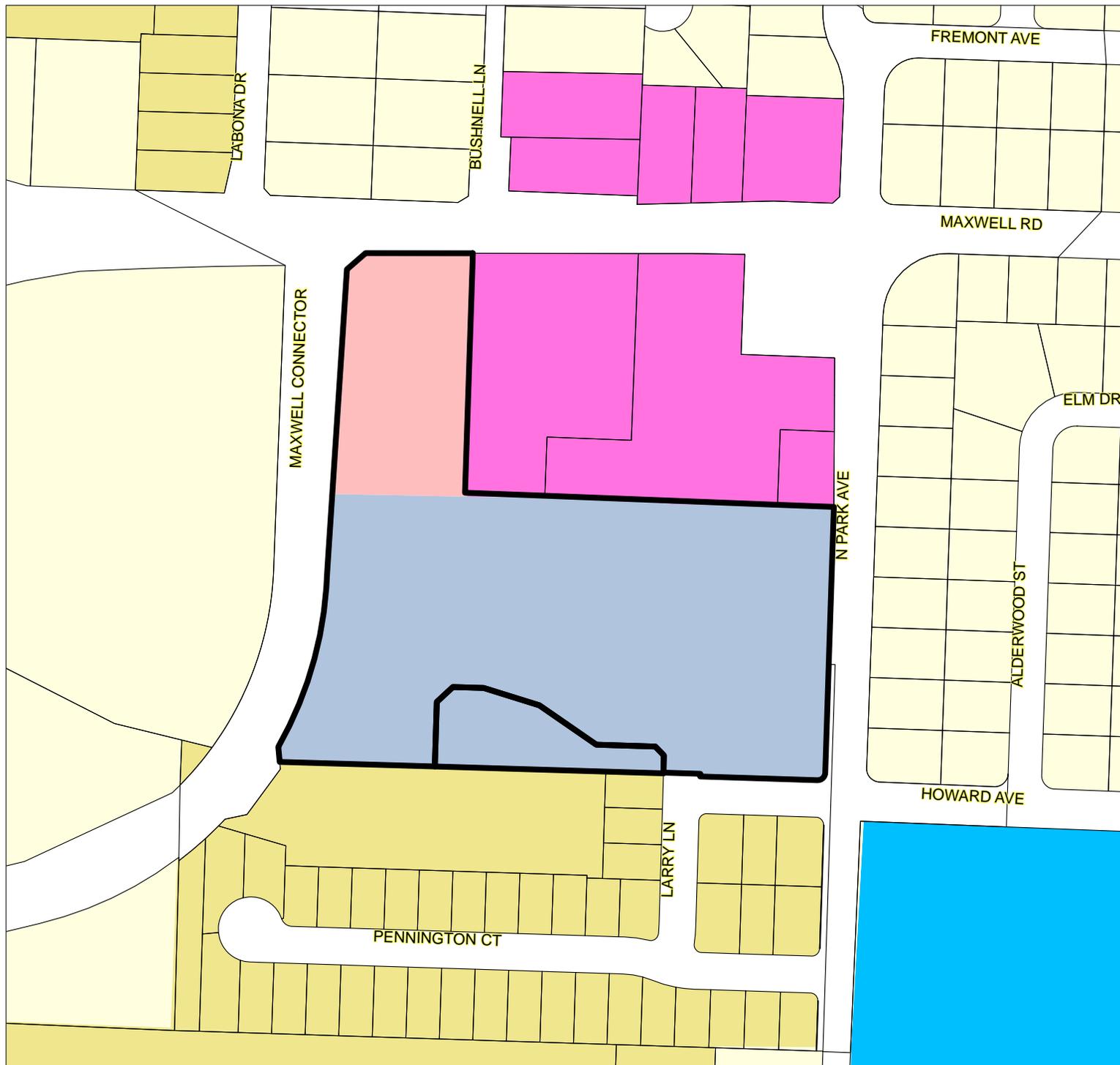




Existing Zoning

Brenelaine Inv. (Z 15-7/MA 15-3/RA 15-2)

17-04-14-32/08600, 08900



Existing Zoning

- C-1 Neighborhood Commercial
- PL Public Land
- C-2 Community Commercial
- R-1 Low-Density Residential
- GO General Office
- R-2 Medium-Density Residential

Subject Site

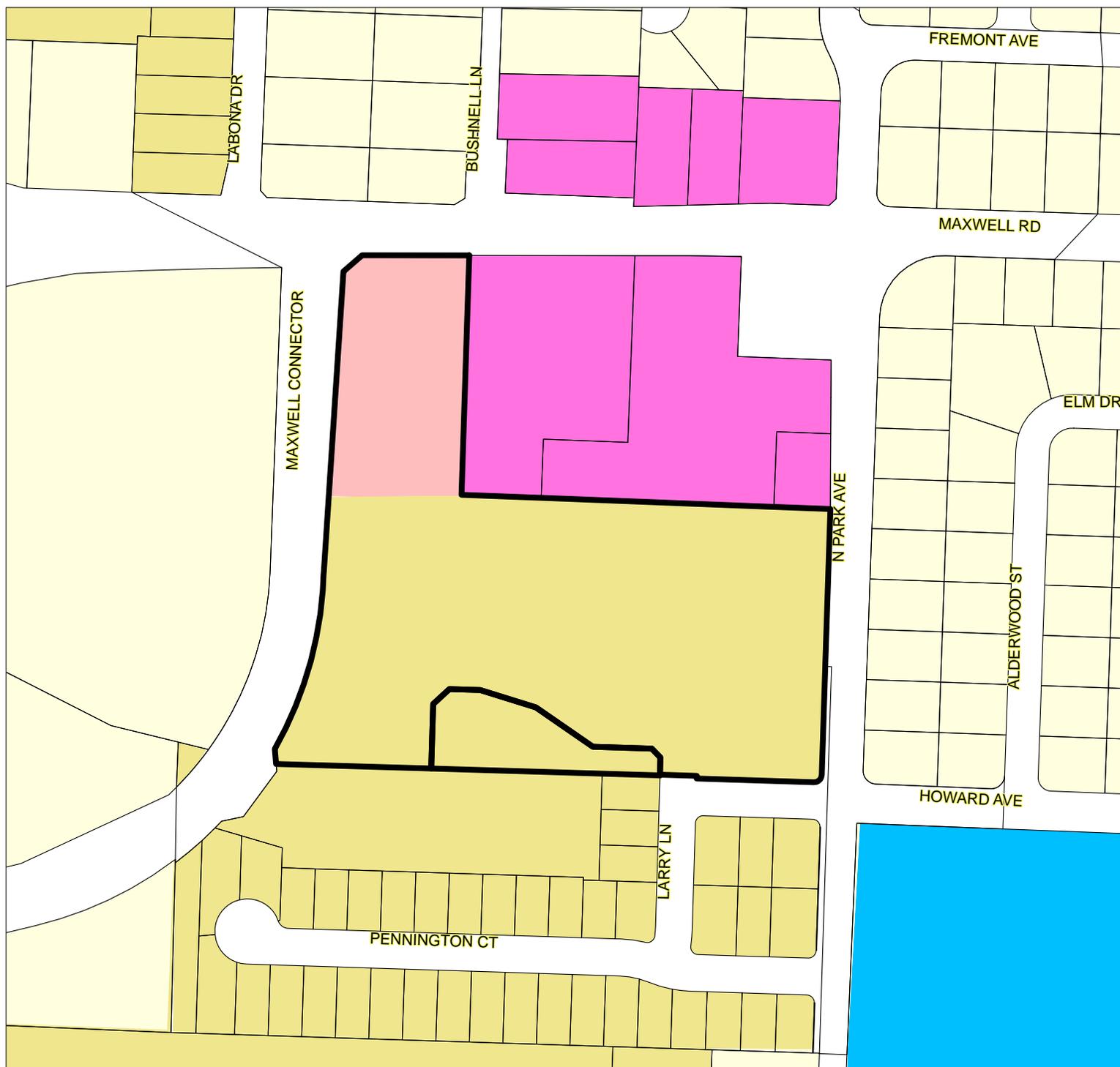




Proposed Zoning

Brenelaine Inv. (Z 15-7/MA 15-3/RA 15-2)

17-04-14-32/08600, 08900



Proposed Zoning

- C-1 Neighborhood Commercial
- C-2 Community Commercial
- GO General Office
- PL Public Land
- R-1 Low-Density Residential
- R-2 Medium-Density Residential

Subject Site



Exhibit ____
Findings for City File MA 15-3, RA 15-2, Z 15-7, & CA 16-
Brenelaine Investments, LLC

Overview

The subject property is located near the intersection of Maxwell Road and North Park Avenue in the River Road community (Attachment A: vicinity map). The application proposes *Metro Plan*, refinement plan text and plan amendments, a zone change, and corresponding code amendment, as summarized below.

Brenelaine Investments, LLC property				
Map & tax lot numbers: 17-04-14-32-8600 and -8900 (approximately 8.75 acres total; 7.19 acres are the subject of these findings)				
Application	Current	acres	Proposed	acres
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			Commercial (unchanged)	1.56
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Code Amendment	The Code Amendment is necessary to implement the proposed Refinement Plan text amendment. Eugene Code section 9.9500 includes codified refinement plan policies, including the one proposed for amendment herein.			

¹The proposed refinement plan amendment includes a complementary policy text amendment.

²The /WR Water Resources Conservation and /SR Site Review Overlay Zones remain applicable on the subject lots and are not affected by the proposed zone change. The /WR overlay zone does not apply to the C-1 portion of the subject site.

The following findings address the required criteria for the proposed *Metro Plan* amendment and zone change.

Metro Plan Amendment (file no. MA 15-3)

The *Metro Plan* land use diagram is proposed for amendment for 7.19 acres, of a total 8.75 acres property, from Commercial to Medium Density Residential designation. Eugene Code (EC) Section 9.7735 requires that the following approval criteria (in ***bold italics***) be applied to *Metro Plan* amendments:

9.7735 Metro Plan Amendments – Criteria for Approval. The following criteria shall be applied by the city council in approving or denying a Metro Plan amendment application:

(1) *The proposed amendment is consistent with the relevant Statewide Planning Goals; and*

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complies with Goal 1 because it is consistent with the citizen involvement provisions.

The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption. Consideration of the amendments begins with a City of Eugene Planning Commission public hearing on April 12, 2016. The applicant also held a neighborhood-applicant meeting which was noticed to the affected River Road Community Organization and property owners and residents within 300 feet of the subject property, as per EC 9.7007.

Subsequent to deeming the applications complete, on February 12, 2016 the City mailed notice of the proposed plan amendments to the Department of Land Conservation and Development, as required by the Eugene Code and in accordance with State statutes.

Referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), Lane Council of Governments, City of Springfield, Lane County, the affected Neighborhood Association (River Road Community Organization), and to City departments. On March 13, 2016, notice of the Planning Commission public hearing was mailed to the applicant, owners and occupants of property within 500 feet of the subject property and the River Road Community Organization. On March 23, 2016, notice of the Planning Commission public hearing was published in the Register-Guard, in accordance with the Eugene Code. The Planning Commission public hearing was held on April 12, 2016, with deliberations scheduled to occur on April 18, 2016, with the potential to take action at that time. Following action by the Planning Commission, the Eugene City Council will hold a duly noticed public hearing to consider approval, modification, or denial of the plan amendments, zone change and code amendment.

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

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

The Eugene land use code specifies the procedure and criteria that were used in considering these

amendments. The record shows that there is an adequate factual base for the amendments. The 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 residents. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these plan amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Lane Council of Governments, City of Springfield, and the State of Oregon's Department of Transportation and Department of Land Conservation and Development.

Furthermore, the acknowledged and locally adopted Metro Plan is based on sound analysis in the creation of a plan diagram and policy directing the growth and development of our community. More detailed findings related to the relevant analyses are addressed under subsequent goals.

There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

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

Goal 4 - Forest Lands. To conserve forest lands.

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

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

The OAR 660-023-0250(3) provides that *“local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

While the subject properties include a Goal 5 protected stream, these amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

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

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

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

Goal 7 requires that local government planning programs include provisions to protect people and property from the following natural hazards: floods, landslides, earthquakes and related hazards, tsunamis, coastal erosion and wildfires. The Goal prohibits 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 accepted building codes and building techniques. The map amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Therefore, Statewide Planning Goal 7 does not apply.

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. Goal 8 also allows, but does not require, the City to create an inventory of recreational needs. These amendments do not impact the City's ability to provide parks and recreational services to future residents. To the extent Statewide Planning Goal 8 applies, the amendments are consistent with the goal.

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

Goal 9 requires cities to evaluate the supply and demand of commercial and industrial land relative to community economic objectives. The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the City "[p]rovide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies[.]" The Eugene Commercial Lands Study (1992) and the Metropolitan Industrial Lands Inventory Report (1993) were adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. The map amendments do not add or subtract any industrial land from the adopted inventories; therefore, the findings here focus solely on commercially designated lands.

The Eugene Commercial Lands Study found "there was a forecasted demand in Eugene for 109 acres of developable office land and 423 acres of non-office commercial land for a total of 532 acres by the year 2010." (Eugene Commercial Lands Study, page II-11) The study also examined the supply for commercial land through the planning period. According to the CLS, the forecasted supply of commercial land exceeds the demand for commercial land by 170 acres. Subsequent natural resource actions reduced the surplus found in the CLS. The /WR and /WQ resource zones reduced the size of the commercial surplus by 77.01 acres. Subsequent Metro Plan amendments since 2007 have added approximately 37.31 of commercial redevelopment capacity. This equates to approximately 130 remaining acres in the adopted inventory. Based on the adopted Commercial Lands Study and the subsequent accounting of Metro Plan amendments, the amendments are consistent with Goal 9 because there is a documented surplus of commercial lands according to the adopted analysis that has been maintained through the acknowledged amendments.

In addition to the acknowledged surplus identified in the adopted CLS, the recent amendments to the Eugene Code that created the E-2 Mixed Use Employment zone implement an Envision Eugene efficiency measure to facilitate limited commercial development in zones that were previously solely industrial. The practical result of this action is that there are no less than 67 acres of industrial land that are now effectively available for commercial development. While not yet an adopted and acknowledged addition to the inventory, this action has the practical effect of diminishing the importance of the subject property to the overall supply of commercial land.

Goal 10 - Housing.

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The Administrative Rule for Statewide Planning Goal 10 (OAR 660 Division 8) states that "the mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation." The comprehensive plan map for the city is the *Metro Plan* land use diagram. The Residential Lands and Housing Study (1999) was adopted by the City of Eugene as a refinement of the *Metro Plan*, and complies with the requirements of Goal 10 and the corresponding Administrative Rule.

The Residential Lands and Housing Study (RLS) identified the undeveloped residential land supply (inventory) based on the designation or zoning and the size of the parcel. Some demand was also assumed to be accommodated through redevelopment and infill. The RLS recognized the split designation of the subject site as medium density residential and commercial. The portion of the subject site is to be re-designated from a commercial to a medium density residential designation.

In 1999, the RLS found there was a buildable land supply of nearly 828 acres of medium density residential land. Since that time, many inventoried sites have been developed, and the overall total inventory was reduced through land use actions that applied /WR and /WQ overlay zones to properties. Primarily through consumption and to a lesser degree natural resource protection, the medium density residential land supply has been reduced to approximately 150 acres. The amendment adds 7.19 acres of medium density residential lands to the existing supply and is consistent with Goal 10.

Based on the above, the amendments are consistent with Statewide Planning Goal 10.

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

The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply. However, it is worth noting that all necessary public services exist or are readily available in close proximity to the subject site.

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

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

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

 - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

Goal 12 requires a determination of whether the proposed Post Acknowledgment Plan Amendment (PAPA) will significantly impact an existing or planned transportation facility. The applicant prepared a project trip generation study from an assumed 'worst case development' scenario to quantify the impacts of the medium density residential designation. The analysis for the PAPA compared the reasonable worst case scenario under the existing plan designations and zoning to a reasonable worst

case scenario under the proposed plan designation and zoning. City staff concurred with the scope of the study, and the analysis is consistent with the agreed upon scope of work.

The analysis and technical findings set forth in the applicant's study (Exhibit 8 of the application materials) showed a sharp decline in both the number of AM and PM peak hour trips associated with the plan designation amendments. Overall, the reasonable worst case scenario analysis found the existing planning and zoning would produce 364 AM peak hour trips and 441 PM peak hour trips. The worst case scenario under the proposed planning designation and zoning is 120 AM peak hour trips and 158 PM peak hour trips. Thus, the worst case development scenario under the medium density residential designation will result in decreased trip generation below the generation assumed for the commercial designation. In fact, the AM and PM peak hour trips generated are reduced by 244 and 283 trips, respectively. A summary is provided in the table below.

<i>Brenelaine Investments: Trip Generation Analysis Summary</i>			
	Existing Plan designation & Zone: Commercial/ GO	Proposed Plan designation & Zone: MDR/ R-2	Difference in trips generated
AM Peak Hour Trip Generation	364	120	-244
PM Peak Hour Trip Generation	441	158	-283

Furthermore, the proposed amendment neither changes the functional classification of a transportation facility nor changes the standards implementing a functional classification under (a) or (b). Furthermore, the proposal will not result in any of the impacts listed in (c).

The cumulative result of the Metro Plan change is no significant impact to the proposed or planned transportation system. The existing transportation system has adequate capacity to serve the worst case commercial designation development scenario. Based on the above findings, the amendments are consistent with Statewide Planning Goal 12.

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

The amendments do not impact energy conservation. 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.*

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

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

The amendments do not contain any changes that affect the Willamette River Greenway regulations;

therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(2) *The proposed amendment does not make the Metro Plan internally inconsistent.*

The amendment is consistent with applicable Metro Plan policies. The amendment does not conflict with Metro Plan policies and the amendment does not make the Metro Plan internally inconsistent. In fact, the introduction of additional medium density housing in close proximity to commercial development along Maxwell Road furthers the intent and directives of several Metro Plan policies, as listed below.

- A.11 *Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation efficient nodes.*
- A.12 *Coordinate higher density residential development with the provision of adequate infrastructure and services, open space and other urban amenities.*
- A.13 *Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed infill, redevelopment and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.*
- A.17 *Provide opportunities for a full range of choice in housing type, density, size, cost, and location.*

The Metro Plan remains internally consistent, and the amendment fulfills this criteria.

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

The *Metro Plan* remains the comprehensive plan in effect for the City of Eugene; therefore, there is not a city-specific comprehensive plan. This criterion is not applicable.

Metro Plan Amendment Conclusion

Based on the above findings, the proposed *Metro Plan* diagram amendment is consistent with EC 9.7735.

Refinement Plan Amendments (file no. RA 15-2)

The plan diagram and policy text of the River Road-Santa Clara Urban Facilities Plan, a refinement plan of the Metro Plan, is proposed for amendment. As in the case in the Metro Plan amendment, the refinement plan land use designation is proposed for amendment from Commercial to Medium Density Residential designation for 7.19 acres of an 8.75 acre property. The policy text amendment is required to enable the land use designation amendment. This policy is referred to as Recommendation 5 in Subarea e. Maxwell/ Park Avenue.

The policy formerly read as follows.

5. *Maintain the current commercial designation to the north of the line which would be Howard Avenue if extended westerly. Only commercial development making unified use of five or more acres shall be allowed in the area.*

The amended policy reads as follows.

5. *The line constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road.*

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

9.8424 ***Refinement Plan Amendment Approval Criteria. The planning commission shall evaluate proposed refinement plan amendments based on the criteria set forth below, and forward a recommendation to the city council. The city council shall decide whether to act on the application. If the city council decides to act, it shall approve, approve with modifications or deny a proposed refinement plan amendment. Approval, or approval with modifications shall be based on compliance with the following criteria:***

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

The complete findings related to the Statewide planning goals are include above under the *Metro Plan* amendment section at EC 9.7735(1), and they are incorporated here by reference.

- (b) Applicable provisions of the Metro Plan.***

The policies addressed in the *Metro Plan* amendment findings are applicable here, and to the extent they are applicable the findings under EC 9.7735(2) are incorporated herein by reference as demonstration of consistency with applicable *Metro Plan* policies.

- (c) Remaining portions of the refinement plan.***

The application is consistent with the remainder of the River Road Santa-Clara Urban Facilities Plan. This is true for both the plan diagram and the policy text amendment. The policy text amendment is a specific revision that parallels the plan diagram amendment. It does not have farther reaching

application and does not change the interface between plan designations, which remain the same although the boundary has shifted northward. A review of the relevant plan policies follows.

The application is consistent with the Residential Land Use policies, which apply to the entire geographic area. Of particular note are Policies 1.0 and 2.0, as follows:

1.0 Recognize and maintain the predominately low density residential character of the area consistent with the Metro Plan.

2.0 Provide a diversity of housing types in the area.

The medium density residential plan designation is implemented by the R-2 medium density residential zone. This zone provides for several housing types, including low-density single family residences, and which has the potential to be more compatible with the adjacent low density residential development pattern when the multi-family development standards are applied.

In contrast to the current designation and implementing zone, the amendment permits a wide range of housing types, including apartments, attached single family, and the low density detached homes typical of the existing character of the neighborhood.

5.0 Permit medium density residential housing (10-20 dwelling units/acre) in proximity to existing or planned urban facilities. Access to commercial development, transit and open space should be considered.

The amendment expands the existing footprint of the medium density residential footprint in the area. Consistent with this policy, the subject site is served by existing urban facilities. Additionally, the site is in close proximity to commercial development immediately to the north and is conveniently located to access the major commercial services offered along River Road, particularly in the vicinity of OR 569 (Randy Pape Beltline). There is access to public transit on North Park Avenue. There are two city parks within walking distance, Bramblewood and Walnut Grove. The former includes a playground and courts while the latter is passive, with walking trails and seating.

Within Subarea e. Maxwell/ Park Avenue, the amendment is consistent with the other recommendations (i.e., policies). Of particular note are recommendations 2 and 3, as follows.

2. Recommend development of medium density residential housing, while maintaining natural features, for neighborhood park and open space through clustering and site review.

The amendment increases the potential for development of medium density residential housing, while retaining the Site Review and Water Resources Conservation overlay zones, both of which are consistent implementation measures of this policy.

3. Concentrate medium-density development around the commercial node, with a transition to low-density, particularly at the northern and southern boundaries of the subarea.

The amendment to the medium density residential designation places the future development immediately adjacent to the commercial node consistent with this directive. Further, it also maintains the gradient transition in intensity from commercial to low-density residential.

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

(2) The refinement plan amendment addresses one or more of the following:

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

(c) New or amended community policies.

Amended Metro Plan Diagram

An amendment to the plan designation in the Metro Plan diagram constitutes a “new or amended community policy.” As per the findings pertaining to the Metro Plan Diagram amendment at EC 9.7735, above, the re-designation is consistent with all Statewide Planning Goals and the existing Metro Plan policies. Therefore, the decision to amend the Metro Plan results in an amendment to which the refinement plan must respond and be consistent.

(e) A change of circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.

Findings for sub-criterion (2)(e) address both the refinement plan re-designation and policy text amendment. The amendments respond to the numerous changes in circumstances not anticipated at the time of adoption of the River Road-Santa Clara Urban Facilities Plan (RR-SCUFP) in 1987, all of which are in favor of the amendments. First, there is a demonstrated need for medium density residential land in the River Road area. Next, recently adopted code amendments have expanded the supply of commercial land. Lastly, after 30 years without development, it is appropriate to question the past policy decision to designate the subject site commercial when the market has absorbed much of the commercially designated properties elsewhere in the River Road community.

Commercial Land Study (CLS) and Envision Eugene

According to the adopted CLS, which is covered in the Goal 9 findings at EC 9.7735, above, there is a commercial lands surplus. Furthermore, the City of Eugene recently undertook code amendments related to the Envision Eugene process that effectively added land for commercial development. The establishment of the E-2 Mixed Use Employment zone and its application along West 11th effectively enabled approximately 67 acres of land to be used for commercial purposes. This code amendment was unforeseen at the time of refinement plan adoption and has a bearing on the demand for larger commercial uses on the subject property.

Residential Land Study: River Road Sub-area

As described in the Goal 10 findings at EC 9.7735, the RLS and subsequent accounting has found a surplus of Medium Density Residential land. However, the RLS includes sub-areas within the inventory that should be reviewed. The subject site is within the RLS's Subarea 10 River Road, and recognized as one of 13 sites available for medium density residential development. Additionally, at the time of refinement plan adoption there were hundreds of vacant acres in the River Road area available for residential development. The River Road-Santa Clara Urban Facilities Plan describes Subarea e. Maxwell/ Park Avenue as "contain[ing] a large amount of vacant undeveloped land" (page 2-28). Figure 2.2 in the same plan, entitled "Metro Plan Designation for Private Vacant Land within the Urban Growth Boundary," provided that there were 342 vacant acres in the River Road area alone. Of this acreage, 24% was designated for Medium Density Residential use. This means that there were 82 vacant acres of Medium Density Residential land. The situation is now different and warrants revisiting the designations of the subject property. Today, according to site analysis conducted by the applicant, the subject site is the only site in the Residential Land Study's River Road subarea that remains vacant.

These development facts constitute a change in circumstances that warrant revisiting the policy choice of retaining the subject property for commercial development.

As it is not yet locally adopted or acknowledged by the State, Envision Eugene analysis is offered here only for context in understanding the most current data. The recent analysis undertaken as part of the Envision Eugene process has determined that there is a citywide deficit of more than 600 medium density residential units. This determination was found after recent re-designations in the Crow Road area, and is provided here to offer information about what has happened on the ground since 1999 and the adoption of the RR-SCUFP adoption.

Market-based factors

The subject property is unique in the area. It is large, flat, vacant, unconstrained and zoned for commercial use. It is alone in having these characteristics in the subarea. Nonetheless, uniqueness has not led to development over the past 30 years; rather, the opposite is true, as the subject property has remained vacant because the setting is not appropriate for a commercial designation. If it was a good location for commerce at this scale, the property would have developed in the intervening thirty years since the adoption of the plan or have been purchased for development.

Conclusion regarding criterion (c) and (e)

The Metro Plan Diagram amendments, the demonstrated surplus of commercial land in the adopted plans, the provision of outlets for new commercial development through recent code amendments, and the long-term vacancy on this commercially designated property all build a case for the need to revisit past policy decisions, especially in light of a planning horizon long since expired and a changing commercial real estate market.

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

Refinement Plan Amendment Conclusion

Based on the above findings, the proposed River Road-Santa Clara Urban Facilities Plan amendments are consistent with EC 9.8424.

Zone Change (file no. Z 15-7)

The proposal includes a zone change of approximately 7.19 acres from GO General Office to R-2 Medium Density Residential, with the remaining 1.56 acres retaining the C-1 Neighborhood Commercial zoning. Additionally, the existing /WR Water Resources Conservation and /SR Site Review overlay zones are not altered by the zone change. Eugene Code section 9.8865 requires that zone change proposals meet the following approval criteria (listed in ***bold and italic***). Findings are provided below for each of the applicable criteria.

9.8865 Zone Change Approval Criteria. Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

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

Several of the policies addressed in the *Metro Plan* amendment findings are applicable here, and to the extent they are applicable the findings under EC 9.7735(2) are incorporated herein by reference as demonstration of consistency with applicable *Metro Plan* policies. Additionally, the zone change is a concurrent implementation action associated with the *Metro Plan* amendment addressed earlier in these findings. Therefore, several other policies should be invoked to demonstrate consistency.

A.2 *Residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and the UGB until rezoned for urban uses.*

A.9 *Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.*

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

Consistent with Policies A.2 and A.9 the zone change is from GO General Office to R-2 Medium Density Residential zone, which implements, and is consistent with, the medium density residential land use designation for the subject property.

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

Regardless of a specific development plan, consistent with this policy, the R-2 Medium Density Residential zone allows for a wide variety of housing types including single family homes, apartments, condominium and townhouses, where the prior commercial zone was more limited in housing choice.

Based on the above findings, staff concludes that the proposed zone change is consistent with applicable provisions of the Metro Plan.

(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 zone change is enabled by the refinement plan text and plan amendments described above at EC 9.8424. Those findings are incorporated herein by reference as demonstration of consistency with applicable refinement plan policies.

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

The findings of compliance with Statewide Planning Goal 11 Public Facilities and Services and Goal 12 Transportation, above, are incorporated herein by reference. With the findings established and referenced herein, the zone change complies with this criterion.

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

...
(f) *EC 9.2735 Residential Zone Siting Requirements.*

There are no residential zone siting requirements for R-2 Medium Density Residential zones; therefore, this criterion is not applicable.

(5) *In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the city to ensure the area is maintained as a natural resource area for a minimum of 50 years.*

The NR Natural Resources zone is not applied here; therefore, this criterion is not applicable.

Zone Change Conclusion

Based on the above findings, the proposed *Zone Change* is consistent with EC 9.8865.

Land Use Code Amendment (file no. CA 16-1)

An amendment to the land use code is proposed as a necessary, complementary task born of the refinement plan text amendment. The Eugene Code (EC) includes numerous codified refinement plan policies, including Recommendation 5 of Subarea e. Maxwell/ Park Avenue in the River Road-Santa Clara Urban Facilities (refinement) Plan. As described in EC 9.9500, these policies are applied to certain land use applications. To ensure proper future implementation of the amended policy, a land use code amendment is necessary to revise the policy codified at 9.9610(8)(c). EC Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to land use code amendments:

9.8065 Code Amendment Approval Criteria. *If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:*

(1) *Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.*

The complete findings related to the Statewide Planning Goals are included above under the *Metro Plan* amendment section at EC 9.7735(1), and those are incorporated herein by reference.

(2) *Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.*

As the compulsory step in codifying the prior refinement plan text amendment, the complete findings related to the *Metro Plan* and refinement plan are located under sections EC 9.8424(1)(b) and (1)(c), respectively, and are incorporated herein by reference as demonstration of consistency with applicable *Metro Plan* and refinement plan policies.

(3) *In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.*

The code amendment does not establish a special area zone; therefore this criterion is not applicable.

Land Use Code Amendment Conclusion

Based on the above findings, the proposed land use code amendment is consistent with EC 9.8065.

Attachments

Attachment A: Vicinity Map

Attachment A

**Brenelaine Inv. (Z 15-7/MA 15-3/RA 15-2)
17-04-14-32/08600, 08900**



 Subject Site



**APPLICATION FOR CONCURRENT APPROVAL OF A METRO PLAN DIAGRAM
AMENDMENT, REFINEMENT PLAN MAP/TEXT AMENDMENT, LAND USE CODE
AMENDMENT AND ZONE CHANGE**

Submittal Date: July 2, 2015

Applicant's Request: Amend Metro Plan diagram and River Road – Santa Clara Urban Facilities Plan text and diagram and land use code allowing for concurrent rezoning of a split zoned parcel from General Office with Site Review and Water Resources Conservation Overlay zones to Medium Density Residential with a Site Review and Water Resources Conservation Overlay. The applicant requests that portion of the property presently zoned Neighborhood Commercial with a Site Review Overlay zone remain unchanged.

Property Owner/Applicant: Brenelaine Investments, LLC
PO Box 10092
Eugene, OR 97440

**Applicant's Representative/
Project Coordinator:** Metro Planning, Inc.
c/o Karl Mueller, J.D.
370 Q Street
Springfield, OR 97477
Tel (541) 302-9830
Cell (541) 915-2411

Subject Property: Map 17-04-14-32; Tax Lot 3800

Property Size: 8.7 Acres

Areas of Request: 7.2 acres proposed for change from Commercial to MDR (Metro Plan, Refinement Plan)
7.2 acres proposed for zone change from General Office/Water Resource/Site Review Overlay to Medium Density Residential/ Water Resource/Site Review Overlay
1.5 acres shall remain planned commercial on both the refinement and Metro Plan Diagrams and remain zoned Neighborhood Commercial/ Site Review Overlay

Existing Zoning: GO/WR/SR (General Office/Water Resource Overlay/Site Review Overlay)
C-1/SR (Neighborhood Commercial/Site Review Overlay).

I. Summary

The property is located south of Maxwell Rd approximately one mile from River Road. The applicant proposes to amend the Metro Plan, Refinement Plan and zoning designations for the parcel.

Metro Plan Amendment: *The applicant proposes to change the Metro Plan designation for 7.21 acres of the property from Commercial to Medium Density Residential. (Please see Exhibit 1, Existing Metro Plan Designation, Exhibit 2, Proposed Metro Plan Designation)*

Refinement Plan Amendment: *The applicant proposes to amend the River Road Santa Clara Urban Facilities Plan. The applicant proposes to change the plan diagram map for a portion of the property from Commercial to Medium Density Residential. The applicant proposes to amend the text found on page 2-28 of the River Road Santa Clara Urban Facilities Plan as follows:*

~~Recommendation 5- Maintain the current commercial designation to the north of [T]he line which would be Howard Avenue if ever extended westerly constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road. Only commercial developments making unified use of five or more acres shall be allowed in the subarea. [RRSCUFP, 2-28, 1986]~~

The applicant proposes a concurrent diagram amendment to reflect this change. (Please see Exhibit 3, Existing Refinement Plan Designation, Exhibit 4, Proposed Refinement Plan Designation)

Land Use Code Amendment: *The applicant proposes to amend the existing language of EC 9.9610(8)(d) as follows:*

- (d) ~~Maintain the current commercial designation to the north of [T]he line which would be Howard Avenue if ever extended westerly constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road. Only commercial developments making unified use of five or more acres shall be allowed in the subarea.~~

The revised ordinance would read:

- (d) The line constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road.

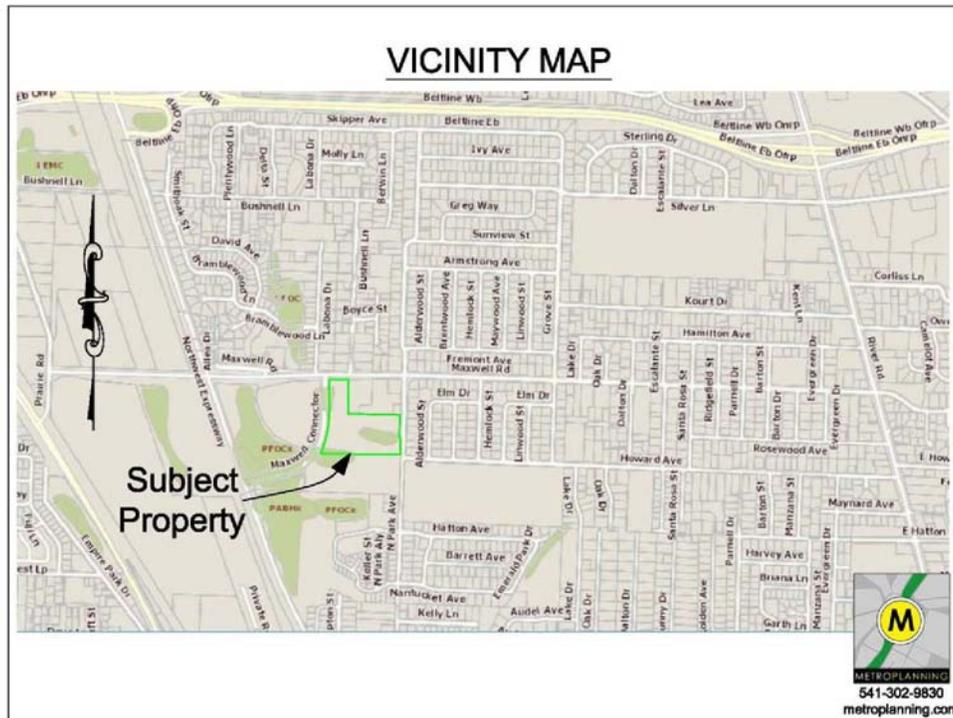
Zone Change: *The applicant also proposes to change the zoning of the General Office zoned portion of the property (7.21 acres) to Medium Density Residential. The overlay zones shall remain. (Please see Exhibit 5, Existing Zoning, Exhibit 6, Proposed Zoning)*

A. Existing Neighborhood/Development Conditions

The subject property is a vacant, flat, unconstrained parcel in an area developed with urban infrastructure. The parcel is approximately eight and one half acres in size and is located in the River Road-Santa Clara neighborhood in northwest Eugene. The property is between Maxwell Connector on

the west and North Park Avenue to the east. Maxwell Road is directly adjacent to the northern boundary of the subject property. South of the subject property is the recently divided Pennington Acres subdivision.

There is a jurisdictional wetland present on the parcel. Middle Flat Creek is shown as site RSC 34 on the Goal 5 Wetlands resources map. (Please See Exhibit 7, Goal 5 Resources) RSC 34 is not designated for protection and conflicting uses are fully allowed. The site drains into Middle Flat Creek.



The area is generally characterized by single family housing development though there is a diverse mix of land use development and zoning in the vicinity of the subject property. To the west across the Maxwell connector is Saint Mary church. Southeast of the subject property across North Park Avenue are Howard Elementary and Kelly Middle schools. Walnut Grove Park is nearby as well.

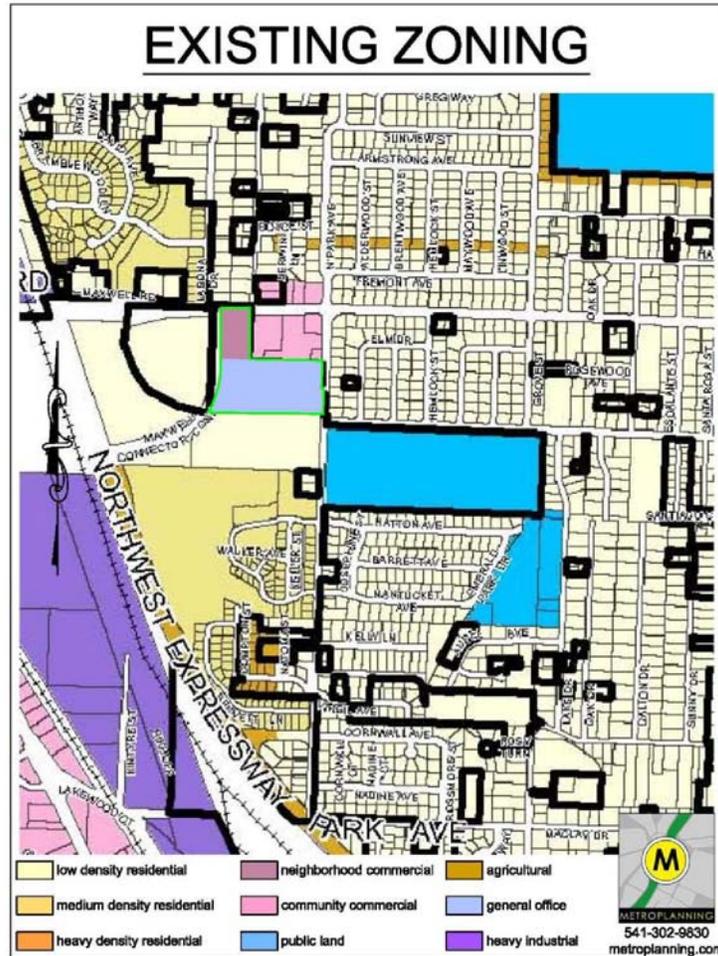
The subject property is part of a larger sixteen acre commercial area surrounding the intersection of Maxwell and North Park. The existing development provides neighborhood scale commercial services. Adjacent to the subject property and occupying the south west corner of the intersection of North Park and Maxwell is Valley Restaurant Equipment as well as a drive through espresso stand. There is a long established neighborhood market and deli as well as a daycare, salon, espresso stand and restaurant.

A short distance to the west is the Northwest Expressway, a limited access minor arterial which runs parallel to the Burlington-Northern Railway. The Maxwell connector links Northwest Expressway to Maxwell Road. Maxwell Road provides an overpass above the expressway and the railroad terminating at Prairie Road. Approximately one half mile to the west is Highway 99, a major arterial. River Road, also a major arterial, is located approximately one mile to the east. The intersection of OR

569 is approximately one and one half mile from the intersection of Maxwell and River Road. Maxwell Road and River Road are developed with bicycle lanes and sidewalks and also are served by public transit.

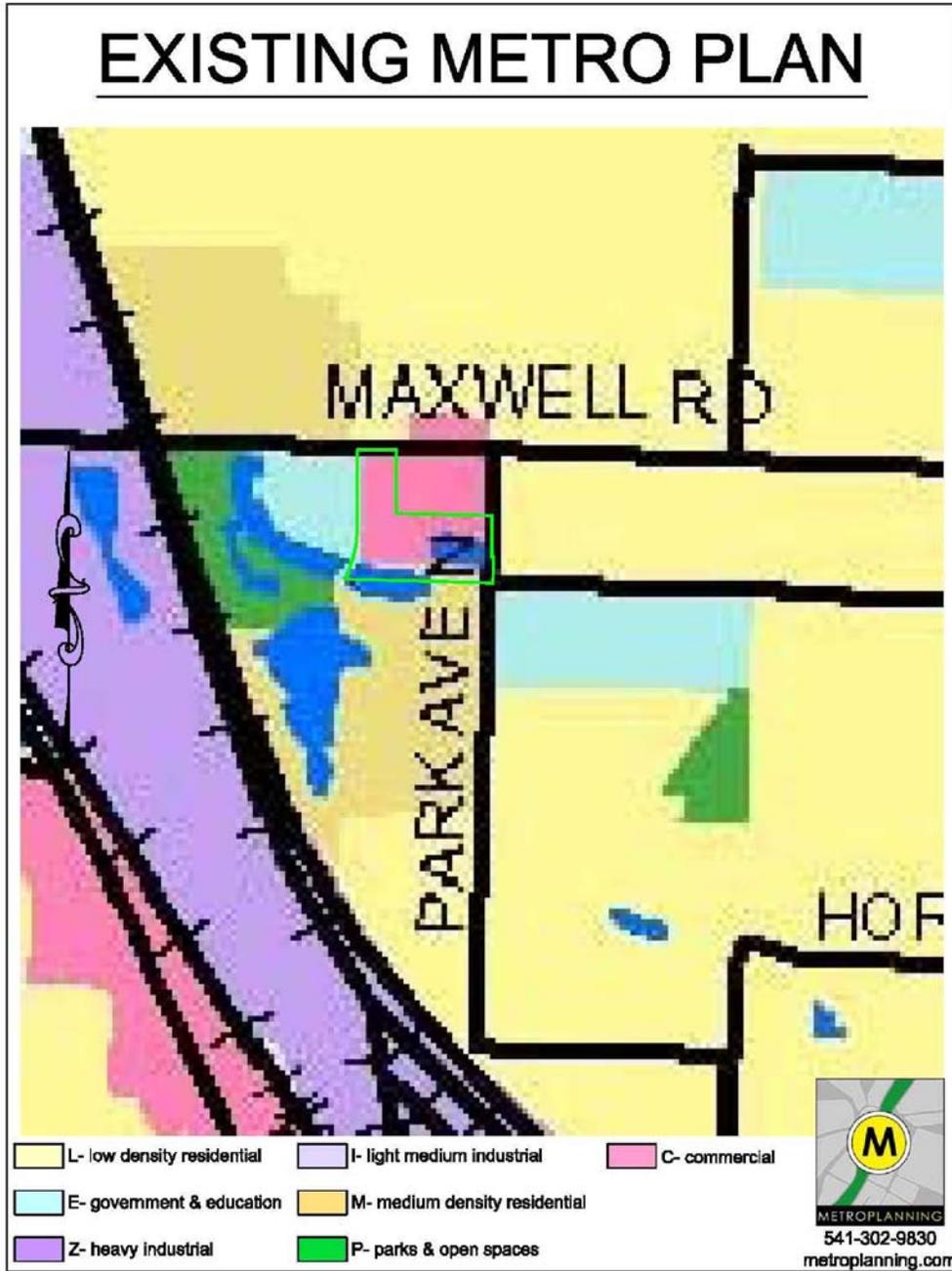
B. Existing Planning and Zoning

The subject property is split zoned. The northern one point five acres (1.5) is zoned Neighborhood Commercial. The southern seven acres point two one (7.21) is zoned General Office. The entire property is encumbered by both a Water Resources Conservation Overlay Zone as well as a Site Review Overlay.



*** For visual aid only***

There is no plan/zone conflict; the subject property is designated as commercial on the Metro Plan diagram.



*** For visual aid only***

The property is also shown as planned for commercial development on the River Road Santa Clara Urban Facilities Plan.



*** For visual aid only***

The planning and policy direction for development in this area was established with the adoption of the Metro Plan and further refined by the River Road Santa Clara Urban Facilities Plan (RRSCUFP) adopted in 1986. The property has been vacant ever since.

C. The Applicant's Proposal

The applicant proposes to amend the Metro Plan diagram, the River Road Santa Clara Urban Facilities Plan (refinement plan) text and diagram, the land use code and zoning map.

The ultimate aim of this undertaking is rezone the portion of the property zoned for General Office use

to medium density residential use (R-2) and to develop the property with attractive, functional new housing stock that complements and improves upon existing neighborhood character.

Summary of Proposed Changes:

Metro Plan: Change the Metro Plan diagram designation for the southern portion of the property now designated Commercial and zoned General Office to Medium Density Residential. (Exhibit 2) The new line demarcating the Commercial from Medium Density designation is a line 397' from the centerline of Maxwell Road. This depth was selected because it is the same depth as the neighboring parcel under different ownership that is also planned commercial; thus, there is consistency with existing development and redevelopment may also be accommodated.

Refinement Plan: The applicant proposes to change the refinement plan diagram to be consistent with the Metro Plan diagram as amended. The new diagram(s) shall reflect the amended Metro Plan designations. The new line demarcating the Commercial from Medium Density designation is a line 397' from the centerline of Maxwell Road. (Exhibit 4) The applicant also proposes to amend the text of recommendation five found on page II-28 of the refinement plan as follows:

~~Recommendation 5- Maintain the current commercial designation to the north of [T]he line which would be Howard Avenue if ever extended westerly constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road. Only commercial developments making unified use of five or more acres shall be allowed in the subarea. [RRSCUFP, 2-28, 1986]~~

This proposal makes two substantive changes to the refinement plan. It moves the line that constitutes the depth of commercial development in the subarea and it eliminates the requirement that only unified commercial development five acres in size or larger be allowed in the subarea.

Land Use Code Amendment: The applicant proposes to amend the Eugene Development Code 9.9610(8)(d) to reflect the new refinement plan language. The revised Ordinance would read:

- (d) The line constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road.

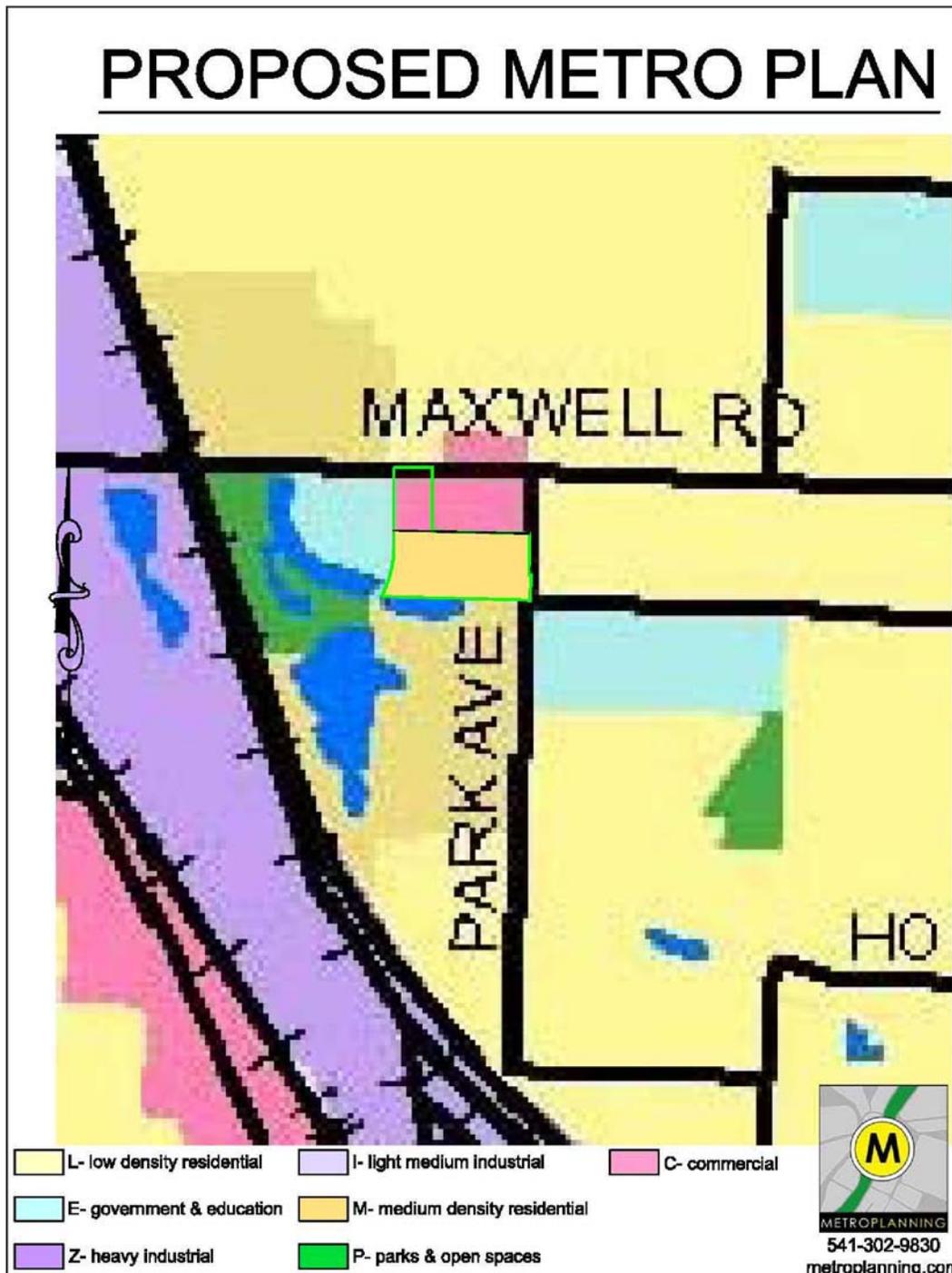
Zone Change: The applicant proposes to change the zoning of the southern 7.21 acres of the parcel that are presently zoned General Office with a Water Resources and Site Review Overlay Zone to Medium Density Residential with a Water Resources and Site Review Overlay. (Exhibit 5, 6)

II. Metro Plan Amendment

The entirety of the site is shown as **Commercial** on the Metro Plan diagram. (Exhibit 1) The existing zoning districts (Neighborhood commercial and General Office) are consistent with the Metro Plan designation. The applicant proposes to change the plan designation for the southern portion of the property now designated Commercial and zoned General Office to Medium Density Residential. (Exhibit 2)

The new line demarcating the Commercial from Medium Density plan designation is proposed as a line

397' from the centerline of Maxwell Road. This depth was selected because it is the same depth as the neighboring parcel under different ownership that is also planned commercial; thus, there is consistency with existing development and redevelopment also more easily be accommodated at a later date.



**** Unofficial map : visual aid only. ****

The applicant avers that the proposed designation is a far more efficient, appropriate use of the subject property that hews more closely to Metro Plan policies, objectives and goals than the present plan designation.

EC 9.7735 sets out the approval criteria for Metro Plan Amendments.

9.7735 Metro Plan Amendments—Criteria for Approval. The following criteria shall be applied by the City Council in approving or denying a Metro Plan amendment application:

- (1) The proposed amendment is consistent with the relevant statewide planning goals; and
- (2) The proposed amendment does not make the Metro Plan internally inconsistent.
- (3) When the city specific local comprehensive plan applies, the proposed amendment is consistent with the City specific local comprehensive plan.

A. The Proposal is Consistent with Statewide Planning Goals, (Metro Plan Amendment Criterion 1), (EC 9.7735(1))

Any application for an amendment to the Metro Plan requires a showing of consistency with the applicable Statewide Planning Goals. The applicant makes that showing and the required findings are provided.

The Oregon Land Department and Development Goals and Guidelines are incorporated by reference and the following applicable goal statements are summarized; compliance with the goals is established by the evidence presented in this application.

Goal 1 Citizen Involvement

Goal one requires that citizens and affected public agencies be provided opportunity to comment on the proposed amendments and zone change. The city of Eugene notifies affected agencies and citizens as set forth in EC 9.7725. Notice of the hearing shall be printed at least 20 days prior to the hearing in a paper of general circulation. Additionally, notice is mailed to all citizens who have requested such notice and to occupants and owners of record within three hundred feet (300') of the subject property. EC 9.7725 Metro Plan Amendments—Referrals and Public Notice. (1), EC 9.7725 Metro Plan Amendments—Referrals and Public Notice. (2).

On August 28th, 2015 the applicant held the required neighborhood meeting which was attended by the applicant's agents as well as community members. The applicant explained development plans for the subject property and listened to neighborhood concerns. Generally speaking, the persons in attendance expressed concerns over the *existing zoning* and *the intensive impacts* that are allowed under the present zoning designations. Neighborhood concerns included potential traffic on North Park and also reflected a concern that the scale of impacts and development types allowable under the General Office are not consistent with existing neighborhood character. Initially, our proposal had included a zone change for the neighborhood commercial portion of the property to community commercial. The applicant withdrew this portion of the application consistent with neighborhood concerns.

The meeting was conducted in a collaborative fashion. In an electronic communication from Jon Belcher on September 4th, Mr. Belcher, President of the Neighborhood Association, noted that outcomes of the type reached in our meeting were the type envisioned when the developer-applicant meetings were proposed. (Exhibit 9, Electronic Communication from Chair of Neighborhood Association) The same communication and letters from concerned neighbors attached as Exhibit 10, Letters from Neighbors, to this application indicate preference for the applicant's proposal compared to the existing planning and zoning. The proposal meets the intent of this planning goal both by involving citizens and by implementing a citizen preferred alternative. Exhibit 11 provides this body with the materials supplied at the Neighborhood Meeting.

The amendments do not amend the citizen involvement provisions; the process for adopting this amendment complies with Goal 1 because it complies with the adopted acknowledged citizen involvement program.

Goal 2 Land Use Planning

This goal requires jurisdictions establish a land use planning process and policy framework as a basis for all land use decisions and requires the development of an adequate factual base to support all land use decisions. The City of Eugene has adopted a Metro Plan map, various refinements of the Metro Plan map, a zoning code and Metro Plan amendment process, (as well as a zone change and refinement plan amendment process) with specific standards that must be addressed and met in order to support a land use change of the type proposed. The application addresses all relevant approval criteria and provides an adequate factual base for the approval of this application.

Goal 2 also requires coordination with affected government agencies. The City of Eugene notified affected government agencies as required. Compliance with these standards constitutes compliance with the applicable provisions of Goal two.

This application complies with the above referenced requirement and this statewide planning goal.

Goal 3 Agricultural Lands

This goal strives to maintain and preserve agricultural lands. The proposed amendments and zone change do not implicate any agricultural land.

Goal 4 Forest Land

This goal strives to maintain and preserve forestland. The proposed amendments and zone change implicate any forestland. The request is entirely urban in nature.

Goal 5 Open Spaces, Scenic and Historic Areas and Natural Resources

This goal requires the conservation of open space and the protection of natural, scenic and historic resources.

The site does not contain any Goal 5 Significant Riparian Corridors or any Goal 5 Wetlands designated for protection. The site contains wetland site RSC-34, Middle Flat Creek. This wetland site is not designated for protection and as such there is no conflict with any Goal 5 resource. Conflicting uses

are fully allowed on this site. This same wetland is also known as Riparian Corridor E 61-F, again, conflicting uses are fully allowed. (Please see Exhibit 7.) There are no rare or sensitive species present on the subject property or any known occurrences of rare or sensitive species on the subject property.

This application is a Post Acknowledgment Plan Amendment (PAPA) because it proposes changes to an adopted Comprehensive Plan. The Oregon Administrative Rules govern how to apply Goal 5 in the context of a PAPA. OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
- (c) The PAPA amends an acknowledged UGB and actual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the UGB area.

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, does not allow new uses that could be conflicting uses with a particular Goal 5 resource site and does not amend an acknowledged plan boundary. Therefore, statewide planning Goal 5 does not apply.

Goal 6 Air, Water and Land Resource Quality

This goal is intended to maintain and improve the quality of the air, water and land resources of the state. This goal is generally implemented at the time of Comprehensive Plan development and during the comprehensive planning process. The amendment does not affect the City's ability to provide clean land, air, water or other resources. Goal 6 does not apply.

Goal 7 Areas subject to natural disasters or hazards.

This goal is intended to protect life and property from natural hazards. There are no risks of natural hazards on the subject property that are distinct from the natural hazards that generally exist in this region including earthquake, wildfire landslide, high winds or other natural disasters. The amendment does not affect the City's prohibition on development in areas subject to natural disaster nor does it result in new development that creates and/or is at risk of such disaster.

Goal 8 Recreational Needs

This goal addresses the recreational needs of residents and visitors to the state. This goal is inapplicable to the proposal.

Goal 9 Economy of the State

The purpose of this goal is to provide adequate economic opportunities throughout the state.

This goal is primarily applicable to commercial and industrial development but is intended to ensure that there is an adequate supply of sites of suitable size, type, and location for commercial and industrial development for the planning horizon period.

The application will remove a small amount of land from the commercial inventory but consistent with this statewide planning goal.

The Eugene Commercial Lands Study (CLS) from 1992 is the most recent adopted document that analyzes the supply of commercial land in the City of Eugene. That document found “there was a forecasted demand in Eugene for 109 acres of developable office land and 423 acres of non-office commercial land for a total of 532 acres by the year 2010. “ (Eugene Commercial Lands Study II-11) The study also examined the demand for commercial land through the planning period. According to the same study, the forecasted supply of commercial land exceeds the demand for commercial land by 170 acres. Subsequent natural resource actions have reduced the surplus found in the CLS. The /WR and /WQ resource zones reduced the size of the commercial surplus by 77.01 acres. Subsequent Metro Plan amendments since 2007 have added approximately 37.31 of commercial redevelopment capacity.

In addition to the acknowledged surplus identified in the CLS, the recent amendments to the Eugene Code that created the E-2 zone are intended to implement an Envision Eugene efficiency measure and facilitate commercial and industrial development. The practical result of this action is that there are no less than 67 acres of industrial land that are now effectively available for commercial development. While not technically an addition to the inventory, this measure has the practical effect of further diminishing the importance of the subject property to the overall supply of commercial land.

The applicant’s proposal is also consistent with the qualitative policies of the Commercial Land Study. Though the proposal will slightly reduce the overall supply of commercial land in the River Road area, it will increase the desirability and development potential of the development site’s remaining commercial land. Specifically, the proposal is consistent with the following provisions and policies of the Commercial Lands Study set forth in that document and also found at EC 9.9530.

9.9530 Eugene Commercial Lands Study Policies

(1) General Policies.

- (b) Promote redevelopment of existing commercial areas and compact dense growth by encouraging businesses to revitalize and reuse existing commercial sites.

The applicants group of proposal will promote the redevelopment and revitalization of an existing commercial site. The present size of this site coupled with the refinement plan policy requiring unified five acre developments restricts the development potential of the subject property and prevents the use, reuse or revitalization of the site and the commercial node generally. This action will remove barriers to commercial development of the site and promote revitalization of an existing commercial site.

- (d) Promote neighborhood-oriented commercial facilities and community commercial areas rather than additional major retail centers.

The combined acreage of the commercial node in this area is in excess of what is required to serve the

needs of the neighborhood. The northern 1.5 acres of the property shall remain planned and zoned for neighborhood commercial development promoting neighborhood scale commercial development.

- (i) Take steps to address the underlying goal in the Metro Plan to have viable neighborhood commercial uses that meet the needs of nearby residents and reduce the use of the automobile.

This action will increase greater probability that the subject property develop with viable commercial uses meeting the needs of area residents. The present configuration is clearly not achieving this aim: the parcel has remained vacant for nearly 30 years. This action will increase the viability of the Maxwell commercial node.

The proposal is also consistent with the recommendations found in the Commercial Lands Study which provides:

- (6) River Road/ Santa Clara Subarea. Recognize that the commercial sites designated in the River Road/ Santa Clara Urban Facilities plan provide adequate commercial supply for the area

The area around the subject property serves as an area wide center for the provision of urban goods and services. The applicant's area study, attached as an exhibit to this set of applications indicates that nearly any good or service can be obtained within approximately one mile of the subject property. (Exhibit 12, Commercial Area Study) There is no indication that there is any deficiency in the availability of services to area residents. The continued, long term vacancy of the subject property does nothing to positively impact the supply of goods or services in the area nor does it contribute to commerce.

The development site is not of a suitable size, type or location to promote economic development within the city of Eugene through the present commercial plan designation.

The site is oversized to serve neighborhood commercial uses. The Eugene Development Code provides that Neighborhood Commercial areas are normally five acres in size or less. (EC 9.2110) The subject property is located in a fifteen acre neighborhood commercial area; there are few if any neighborhood commercial developments of this size anywhere in the city. Furthermore, area residents' needs are already demonstrably being met by the tremendous amount of commercial development in the vicinity of the subject property and by the existing neighborhood commercial development. The applicant's Commercial Area Study demonstrates how extensive and available commercial services are in the vicinity of the property. (Exhibit 12)

The site is inconvenient to access. This is not a desirable attribute in a large commercial area. Access to commercial development fronting on Maxwell will likely have to be provided off of North Park, an unsuitable arrangement. This is because of the spacing standards and the location of the Northwest Expressway relative to the subject property.

Further evidence that the site is unsuitable for commercial development is the plainly evident fact that the site has not developed with commercial uses even as it is the only commercial property of its size and type in the area. At present, the only benefit the site provides is as vacant undeveloped commercial inventory. Any theoretical benefits from commercial development are not likely to accrue. The site has

been vacant for thirty years and is likely to remain vacant without approval of this request. This is no benefit to any party.

If the Maxwell Road Mixed use proposal were approved, the overall commercially planned area on the south side of Maxwell would remain over six acres with two acres on the north side of Maxwell. This is large enough to accommodate neighborhood needs.

The proposal complies with this statewide planning goal.

Goal 10 Housing

This goal is intended to provide for the housing needs of Oregon's citizens.

The Maxwell Road Mixed Use proposal provides for the housing needs of Eugene's citizens.

The City of Eugene evaluated its supply of residential land in the 1995 Residential Land and Housing Study and examined that inventory more carefully in the "Eugene-Springfield Metropolitan Area Residential Lands and Housing Study Draft Site Inventory Document, (April 1997) (hereinafter Draft Site Inventory Document). That document divided the Eugene-Springfield area into 18 subareas and identified all whole or partially vacant medium or high density residential sites of one acre or larger and low density sites of ten acres or larger.

The River Road area is identified as subarea 10 in the Draft Site Inventory Document. It listed thirteen sites (1-13) as available for medium density development. According to the 1997 Draft Site Document, there were also approximately 93 acres available for MDR development in the River Road Subarea.

The Eugene-Springfield Residential Lands Study is the most recent adopted document that analyzes residential land availability in Eugene. As such, this application must address that document. That study found that the supply for medium density residential land exceeds demand through the planning period. Technically, there is also a surplus of MDR land in the City of Eugene. The facts on the ground do not reflect any surplus. In fact, the opposite is true. Past plan amendments and resource based actions have reduced the overall metropolitan supply to the point that there is a deficit of MDR land.

In order to determine the present supply of MDR in the River Road Subarea, the applicant has examined sites 1-13 from the draft inventory document and identified their present development condition in the document entitled "Metropolitan Residential Lands and Housing Study January 1995 Sites in Subarea 10." and provided inset maps with detailed aerial photography sourced from the most recently available Google Earth imagery. (Please see the attached Exhibit 13)

The conclusion is that the overwhelming majority of the land identified as vacant and available for MDR development in 1997 has been absorbed or is in the active process of being developed. In fact, the last 6.9 vacant acres that were remaining available in site 10-4 as the sole relatively large site remaining in single ownership available for residential development in the subarea developed in 2014 as the ECCO Apartments development. There is one potential development site remaining on River Road but it is relatively small scale comprising no more than a couple acres. The vacant supply has been essentially fully absorbed within eighteen years. (Exhibit 13)

At this time, there is a great and unmet need for vacant, development ready residential sites and housing availability and cost remain acute issues in the City of Eugene. This is not a new issue. The Metro Plan provides:

Findings

14. *Housing costs are increasing more rapidly than household income. With rising land and housing costs, the market has been and will continue to look at density as a way to keep housing costs down. (Metro Plan, III-A-6)*

The Metro Plan also provides:

34. *There is a shortage of unconstrained medium and high density zoned sites, for sale, that are flat and serviced with utilities. This is particularly true in Eugene (Metro Plan, III-A-11)*

The Maxwell Road Mixed Use proposal partially alleviates this shortage by providing an unconstrained medium density residential development site that is flat and fully serviced with utilities.

Statewide Planning Goal 10 directs the City of Eugene to develop housing options that meet the needs of individuals. Housing affordability and availability is a long running issue in this jurisdiction and increasing costs have consistently exceeded gains in income. This property has the ability to accommodate no less than 35 relatively affordable single family homes in a location that is conveniently close to commercial services and all other urban amenities.

The proposal will by no means solve Eugene's housing issues but it does help in small part to meet a demonstrated community need to provide housing that meets individual and community needs in compliance with Goal 10. The proposal is a step in the right direction.

Goal 11 Public Facilities and Services

The purpose of Goal 11 is to provide for the planning, development and provision of public facilities and services in a timely, orderly and efficient manner. All required services exist or are readily available as previously addressed in this narrative.

Goal 12 Transportation

The purpose of Goal 12 is to provide and encourage a safe, convenient and efficient transportation network.

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

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section 2 of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use 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 measured 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 included 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 functional plan.
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise not projected to meet the performance standard identified in the TSP or comprehensive plan.

Goal 12 requires a determination of whether the proposed Post Acknowledgment Plan Amendment (PAPA) will significantly impact an existing or planned transportation facility. The PAPA does not significantly impact any planned or existing transportation facility.

The proposed amendment neither changes the functional classification of a transportation facility nor changes the standards implementing a functional classification under (a) or (b). Furthermore, the proposed PAPA will not result in any of the impacts listed in (A) through (C).

The analysis for the PAPA compared the reasonable worst case scenario under the existing zoning/planning designations to a reasonable worst case scenario under the proposed planning designation/ zoning. To determine if the proposal would result in more traffic generation than the existing plan designation and zoning, the traffic engineer applied the reasonable worst case scenario from the Institute of Traffic engineers trip generation manual coupled with allowable uses and standards for the appropriate planning designation/zone.

The analysis and technical findings set forth in the Exhibit 8, (TIA) showed a sharp decline in both the number of am and pm peak hour trips going from the existing to the proposed planning designations. Overall, the reasonable worst case scenario based on existing planning and zoning could result in 364 AM peak hour trips and 441 pm peak hour trips. The worst case scenario under the applicants proposed planning designation is 120 am peak hour trips and 158 Pm peak hour trips. This is a substantial reduction in the amount of traffic utilizing the planned facilities.

The reduction in the amount of both am and pm peak hour trips is a finding that the proposed planning designations will not significantly affect any transportation facility whether existing or planned demonstrating compliance with Goal 12.

Goal 13 Energy Conservation

This goal is not applicable to this plan amendment request.

Goal 14 Urbanization

This request is entirely urban in nature as the subject property is annexed to the City of Eugene and is entirely within the urban growth boundary.

Goals 15-19

These goals are not applicable to the request. They are geographically oriented to specific areas.

B. The Proposal Does Not Make the Metro Plan Internally Consistent (Metro Plan Amendment Criterion 2), (EC 9.7735(2))

The Maxwell Road Mixed Use proposal is *consistent with applicable Metro Plan policies*. No policies directly conflict with the proposal and the proposal will not make the Metro Plan internally inconsistent. In fact, the proposal is entirely consistent with the Metro Plan and closely implements both the policies of the Metro Plan that constitute mandatory approval criteria as well as the growth management goals and findings that provide context to those policies.

The application is in compliance with the following *policies* set forth in the Metro Plan:

A.4 Use annexation, provision of public facilities and services, rezoning, redevelopment and infill to meet 20-year projected housing demand. (Metro Plan, III-A-5)

This proposal is consistent with this policy. The applicant is ultimately requesting that the City accommodate housing needs through the *rezoning* process as the majority of this property is far more suitable for residential use rather than commercial use. The end result of this process will be the *infill development* of a presently vacant and underutilized parcel helping to meet 20 year projected housing demand.

At this time, there is a demonstrable shortage of MDR planned land though inventories suggest otherwise. The proposal is consistent with policy A.10 which provides:

A.10 Promote higher density residential development within the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves natural resource lands outside the UGB. (Metro Plan, III-A-6)

The applicant is proposing to utilize majority of the property for higher density residential development on the subject property. This development will utilize existing infrastructure in compliance with this policy and increased density conserves resource lands outside the UGB. The application is also consistent with Housing Element policy A.11:

A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation efficient nodes. (Metro Plan, III-A-6)

The subject property meets the siting guidance set forth in this policy. The proposed higher density residential district is located near commercial services. The area around the proposed development serves as a major center for the provision of goods and services. River Road itself serves is highly developed with retail and commercial services. The area immediately north of the overpass of OR 569

and River road is a major destination for commercial services. Additionally, the proposed development is in close proximity to OR 569 and River Road, major transportation systems. The applicant has attached a Commercial Study (Exhibit 12) that shows how extensively the area is developed with commercial services. The list of retail and commercial establishments is long but is by no means exhaustive. The applicant's study only identified those establishments within the pink areas within the one and two mile zones. Even so area residents have ample and convenient access to anything they could ever need.

The applicant's proposal is also in compliance with policy A.12:

A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space and other urban amenities. (Metro Plan, III-A-7)

The proposed higher density residential development is located conveniently close to adequate infrastructure and services, open space and other urban amenities. The subject property is adjacent to Maxwell, Maxwell Connector and North Park. The subject property is also suitably close to other urban amenities. Howard Elementary, Kelly Middle and North Eugene High School are in the vicinity. Other urban amenities such as Saint Mary's Catholic Church and a post office are suitably near. The Mahlon-Sweet airfield is approximately three miles from the subject property. Additionally, open space is conveniently available; Walnut Grove Park is conveniently close to the subject property. Also nearby is the bicycle path along the Willamette River providing convenient access to the green corridor located along the river.

The attached Commercial Area Study (Exhibit 12) demonstrates that there are adequate commercial services in the vicinity to meet residents' needs.

The proposal also complies with policy A.13:

A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed infill, redevelopment and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods. (Metro Plan, III-A-7)

The Maxwell Road Mixed Use proposal will increase overall residential density by creating and facilitating opportunity for residential development at a higher rate than the present city wide average. The development site will meet the definition of mixed use as there is more than one zoning district present on the site. At the same time, the majority of the presently vacant and underutilized site will develop with attractive, new, desirable medium density residential development.

The impacts of the resulting increase in residential density are considered by this body in this application. The proposed planning designation will allow single family housing at higher than existing residential densities while being less impactful to the existing neighborhood than development allowable under existing planning for the site. The requested planning designations will achieve the joint aims of increasing overall residential density while simultaneously protecting existing single family neighborhood character.

The applicant invites scrutiny of the impact of this proposed development on the existing neighborhood as the proposed development will improve the appearance of the existing neighborhood through the establishment of new housing stock that screens the existing low density residential development to the

south from the more intensive commercial development that fronts on Maxwell.

The application is also in compliance with Policy A.17

A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location. (Metro Plan, III-A-9)

Approval of this application will help implement policy A.17. There are no vacant residential parcels of this size and zoning in the River Road subarea and there are only approximately six vacant acres in the River Road area total. Approval of this application will provide an opportunity for a full range of choice in housing density, size cost and location as provided for in Policy A.17 as the subject property could also be developed with single family housing whereas at this time, the only residential development that could occur on the subject property is attached housing.

In a similar fashion, the proposal promotes the concept set forth in policy A.20:

A.20 Encourage home ownership of all housing types, particularly low income households. (Metro Plan, III-A-9)

The proposed district will encourage home ownership. As noted, the likely result of this proposal is to develop the property with attractive single family residences at higher density and lower cost than the average new residential development within the City of Eugene, since approval will enable the development of the subject property with single family homes. At this time, the only residential development that could occur on the subject property is multi-family housing. Approval of the proposal will encourage home ownership of all housing types more than the existing planning designation.

The application will further implement this policy by providing a development ready site that will likely be developed with no less than 35 single family residences at relatively affordable prices.

The application encourages home ownership.

Strong support for the applicant's proposal is found in the Housing element of the Metro Plan that is most relevant to this application.

The proposal is also consistent with the following provisions of the Metro Plan: The application is consistent with policy B.28.

B.28 Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood. (Metro Plan, III-B-28)

Despite reducing the overall area of the commercial portion of the subject property, the amendment recognizes the vital role of neighborhood commercial facilities. The applicant did not propose to eliminate the commercial designation on the subject property. The proposal reduces the commercially designated portion of the site to approximately 1.5 acres. Typically, Neighborhood commercial areas are less than five acres in size. The present size of the Maxwell Commercial area is over 300% larger than the usual neighborhood commercial area. The size of the commercially designated area is a factor that has prevented the property from developing with commercial services. Reducing the planned size

of the commercial area would promote the development of the site with neighborhood scale commercial uses consistent with this criterion.

No policies are found to contradict the Maxwell Road Mixed Use proposal and for this reason, the application does not make the Metro plan internally inconsistent.

The application is entirely consistent with the Metropolitan Area General Plan.

C. The proposal is consistent with the applicable local comprehensive plans (Metro Plan Approval Criterion 3, EC 9.7735(3))

At this time, Eugene does not have an applicable local comprehensive plan. The Metro Plan is the comprehensive plan. Consistency with the Metro Plan policies and the amended diagram constitutes compliance with criterion.

The proposed use is a better more efficient use of urban land and in greater compliance with growth management principles, the Metro Plan, Statewide Planning goals, City of Eugene policies and further that the proposed district addresses a more urgent need than the present district, the applicant requests approval of this Metro plan diagram amendment.

III. Refinement Plan Amendment

The Eugene Code anticipates that functional plans may require amending and sets forth procedures for such amendments. The subject property is in an area of the city covered by the River Road Santa Clara Urban facilities plan. This proposal revisits the planning designations established for the property approximately thirty years ago in 1986.

The applicant proposes amending both the **text and diagram** of the River Road-Santa Clara Urban Facilities Plan. The applicant has proposed to amend the refinement diagram to reflect the change to the Metro Plan diagram. Specifically, the applicant proposes to change the diagram for the southern 7.21 acres of the development site from Commercial to Medium Density Residential. (See Exhibit 4)

The applicant has proposed to amend the **text** of the *River Road Santa Clara Urban Facilities Plan* as follows:

~~5- Maintain the current commercial designation to the north of [T]he line which would be Howard Avenue if ever extended westerly constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road. Only commercial developments making unified use of five or more acres shall be allowed in the subarea. [RRSCUFP, 2-28, 1986]~~

The applicant owns the entire parcel subject to recommendation 5 and has platted the area south of Howard Avenue as an attractive, functional, medium density residential development. The applicant seeks to modify the refinement plan to allow single family medium density residential development north of the line that would be Howard Avenue if Howard were extended. This type of development is currently prohibited by the "Howard Avenue" language in Recommendation 5 of the RRSCUFP (RRSCUFP, 2-28, 1986). The applicant also proposes to eliminate the language that requires unified commercial developments five acres in size or more.

This text and diagram change is appropriate because it addresses a change in the Metro Plan diagram and is *required for consistency with that change*.

The proposal is also appropriate because substantial changes in circumstances have occurred since the adoption of the refinement plan consistent with the approval criteria refinement plan amendments. *There are numerous changes in circumstances that are relevant to this public policy choice and that require consideration of and ultimate approval of the applicant's request. The request is consistent with all substantive approval criteria as demonstrated below.*

A. Refinement Plan, Substantive Criteria

The Eugene Development Code sets forth the following approval criteria for Refinement Plan amendments:

9.8424 Refinement Plan Amendment Approval Criteria. The planning commission shall evaluate proposed refinement plan amendments based on the criteria set forth below, and forward a recommendation to the city council. The city council shall decide whether to act on the application. If the decides to act, it shall approve, approve with modifications or deny a proposed refinement plan amendment. Approval or approval with modifications shall be based on compliance with the following criteria:

- (1) The refinement plan amendment is consistent with all of the following:
 - (a) Statewide planning goals
 - (b) Applicable provisions of the Metro Plan
 - (c) Remaining portions of the refinement plan
- (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 state statute, state regulation, statewide planning goal, or state agency land use plan.
 - (e) A change in circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.

B. The Proposal is Consistent with Statewide Planning Goals, Refinement Plan Amendment Approval Criterion 1 (EC 9.8424(1))

The applicant's proposed refinement plan amendment complies with all statewide planning goals as demonstrated in this portion of the narrative. The following applicable goal statements are summarized; compliance with the goals is established by the evidence presented in this application. Furthermore, compliance with Statewide Planning goals is further demonstrated by compliance with the Metro Plan as the acknowledged plan itself is in compliance with statewide planning goals.

Goal 1 Citizen Involvement

Goal one requires that citizens and affected public agencies be provided opportunity to comment on the proposed amendments and zone change. The city of Eugene notifies affected agencies and citizens as set forth in EC 9.7725. Notice of the hearing shall be printed at least 20 days prior to the hearing in a

paper of general circulation. Additionally, notice is mailed to all citizens who have requested such notice and to occupants and owners of record within three hundred feet (300') of the subject property. EC 9.7725 Metro Plan Amendments—Referrals and Public Notice. (1), EC 9.7725 Metro Plan Amendments—Referrals and Public Notice. (2).

The applicant held the required public meeting for an application of this type on August 28th, 2015 in compliance with the requirements of EC 9.7007(1)(d). The attendees favored the applicant's proposal as opposed to the current plan designation for the property found in the existing refinement plan. Please see the attached materials from the required neighborhood meeting. (Exhibits 9-11)

Goal 2 Land Use Planning

This goal requires jurisdictions establish a land use planning process and policy framework as a basis for all land use decisions and requires the development of an adequate factual base to support all land use decisions. The City of Eugene has adopted a refinement plan amendment process, (as well as a zone change and refinement plan amendment process) with specific standards that must be addressed and met in order to support a land use change of the type proposed. Compliance with these standards constitutes compliance with the applicable provisions of Goal two. This application complies with the above referenced requirement and this Statewide Planning Goal.

Goal 3 Agricultural Lands

This goal strives to maintain and preserve agricultural lands. The proposed amendments and zone change do not implicate any agricultural land. The subject property is entirely within Eugene's UGB and the request is entirely urban in nature. This goal is inapplicable.

Goal 4 Forest Land

This goal strives to maintain and preserve forestland. Neither do the proposed amendments and zone change implicate any forestland. The request is entirely urban in nature. Goal 4 is inapplicable.

Goal 5 Open Spaces, Scenic and Historic Areas and Natural Resources

This goal requires the conservation of open space and the protection of natural, scenic and historic resources.

The site does not contain any Goal 5 Significant Riparian Corridors or any Goal 5 Wetlands designated for protection. The site contains wetland site RSC-34, Middle Flat Creek. Conflicting uses are fully allowed on this site. This same wetland is also known as Riparian Corridor E 61-F, again, conflicting uses are fully allowed. (Please see Exhibit 7.) There are no rare or sensitive species present on the subject property or any known occurrences of rare or sensitive species on the subject property.

This application is a Post Acknowledgment Plan Amendment (PAPA) because it proposes changes to an adopted comprehensive plan. The Oregon administrative rules govern how to apply Goal 5 in the context of Post Acknowledgment Plan Amendments. OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section a PAPA would affect a Goal 5 resource only if:

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
- (c) The PAPA amends an acknowledged UGB and actual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the UGB area.

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, does not allow new uses that could be conflicting uses with a particular Goal 5 resource site and does not amend an acknowledged plan boundary. Therefore, statewide planning Goal 5 does not apply.

Goal 6 Air, Water and Land Resource Quality

This goal is intended to maintain and improve the quality of the air, water and land resources of the state. This goal is generally implemented at the time of Comprehensive Plan development and during the comprehensive planning process. The amendment does not affect the City's ability to provide clean land, air, water or other resources. Goal 6 does not apply.

Goal 7 Areas subject to natural disasters or hazards.

This goal is intended to protect life and property from natural hazards. There are no risks of natural hazards on the subject property that are distinct from the natural hazards that generally exists in this region including earthquake, wildfire landslide, high winds or other natural disasters.

The application complies with this goal.

Goal 8 Recreational Needs

This goal addresses the recreational needs of residents and visitors to the state. This goal is inapplicable to the proposal.

Goal 9 Economy of the State

The proposal complies with this statewide planning goal.

This goal is primarily applicable to commercial and industrial development but is intended to ensure that there is an adequate supply of sites of suitable size, type, and location for commercial and industrial development for the planning horizon period.

The application will remove a small amount of land from the commercial inventory but consistent with this statewide planning goal.

The Eugene Commercial Lands Study (CLS) from 1992 is the most recent adopted document that analyzes the supply of commercial land in the City of Eugene. That document found “there was a forecasted demand in Eugene for 109 acres of developable office land and 423 acres of non-office commercial land for a total of 532 acres by the year 2010. “ (Eugene Commercial Lands Study II-11) The study also examined the demand for commercial land through the planning period. According to the same study the forecasted supply of commercial land exceeds the demand for commercial land by 170 acres. Subsequent natural resource actions have reduced the surplus found in the CLS. The /WR and /WQ resource zones reduced the size of the commercial surplus by 77.01 acres. Subsequent Metro Plan amendments since 2007 have added approximately 37.31 of commercial redevelopment capacity.

The application would result in only a fraction of a reduction of the acknowledged surplus of commercial land.

In addition to the acknowledged surplus, the recent amendments to the Eugene Code that created the E-2 zone are intended to implement an Envision Eugene efficiency measure and facilitate commercial and industrial development. The practical result of this action is that there are no less than 67 acres of industrial land that are now effectively available for commercial development. While not an addition to the inventory, this measure has the practical effect of further diminishing the importance of the subject property to the overall supply of commercial land.

The development site is not of a suitable size, type or location to promote economic development within the city of Eugene through the present commercial plan designation as required by Goal 9.

The site is oversized to serve neighborhood commercial uses. The Eugene Development Code provides that Neighborhood Commercial areas are normally five acres in size or less. (EC 9.2110) The subject property is located in a fifteen acre neighborhood commercial area; there are few if any neighborhood commercial developments of this size anywhere in the city. Furthermore, area residents’ needs are already demonstrably being met by the tremendous amount of commercial development in the vicinity of the subject property (Exhibit 12).

The site is inconvenient to access. This is not a desirable attribute in a large commercial area. Access to commercial development fronting on Maxwell will likely have to be provided off of North Park, an unsuitable arrangement. This is because of the spacing standards and the location of the Northwest Expressway relative to the subject property.

Further evidence that the site is unsuitable for commercial development is the plainly evident fact that the site has not developed with commercial uses even as it is the only commercial property of its size and type in the area. At present, the only benefit the site provides is as vacant undeveloped commercial inventory. Any theoretical benefits from commercial development are not likely to accrue. The site has been vacant for thirty years and is likely to remain vacant without approval of this request. This is no benefit to any party.

If the Maxwell Road Mixed use proposal were approved, the commercially planned area on the south side of Maxwell would remain over six acres with two acres on the north side of Maxwell. This is large enough to accommodate neighborhood needs.

Goal 10 Housing

This goal is intended to provide for the housing needs of Oregon's citizens; the Maxwell Road Mixed Use proposal provides for the housing needs of Eugene's citizens.

The City of Eugene evaluated its supply of residential land in the 1995 Residential Land and Housing Study and examined that inventory more carefully in the "Eugene-Springfield Metropolitan Area Residential Lands and Housing Study Draft Site Inventory Document, (April 1997) (hereinafter Draft Site Inventory Document). That document divided the Eugene-Springfield area into 18 subareas and identified all whole or partially vacant medium or high density residential sites of one acre or larger and low density sites of ten acres or larger.

The River Road area is identified as subarea 10 in the Draft Site Inventory Document. It listed thirteen sites (1-13) as available for medium density development. According to the 1997 Draft Site Document, there were also approximately 93 acres available for MDR development in the River Road Subarea.

The Eugene-Springfield Residential Lands Study is the most recent adopted document that analyzes residential land availability in Eugene. As such, this application must address that document. That document found that the supply for medium density residential land exceeds demand through the planning period. Technically, there is also a surplus of MDR land in the City of Eugene. The facts on the ground do not reflect any surplus. In fact, the opposite is true. Past plan amendments and resource based actions have reduced the overall supply to the point that there is a deficit of MDR land.

In order to determine the present supply of MDR in the River Road Subarea, the applicant has examined sites 1-13 from the draft inventory document and identified their present development condition in the document entitled "Metropolitan Residential Lands and Housing Study January 1995 Sites in Subarea 10." and provided inset maps with detailed aerial photography sourced from the most recently available Google Earth imagery. Please see the attached Exhibit 13.

The conclusion is that the overwhelming majority of the land identified as vacant and available for MDR development in 1997 has been absorbed or is in the active process of being developed. In fact, the last 6.9 vacant acres that were remaining available in site 10-4 as the sole relatively large site remaining in single ownership available for residential development in the subarea developed in 2014 as the ECCO Apartments development. There is one potential development site remaining on River Road but it is relatively small scale comprising no more than a couple acres. The vacant supply has been essentially fully absorbed within eighteen years. (Exhibit 13)

At this time, there is a great and unmet need for vacant, development ready residential sites and housing availability and cost remain acute issues in the City of Eugene. This is not a new issue. The Metro Plan provides:

Findings

14. *Housing costs are increasing more rapidly than household income. With rising land and housing costs, the market has been and will continue to look at density as a way to keep housing costs down. (Metro Plan, III-A-6)*

The Metro Plan also provides:

35. *There is a shortage of unconstrained medium and high density zoned sites, for sale, that are flat and serviced with utilities. This is particularly true in Eugene (Metro Plan, III-A-11)*

The Maxwell Road Mixed Use proposal partially alleviates this shortage by providing a flat, unconstrained medium density development site that is fully serviced with utilities.

This Goal 10 directs the City of Eugene to develop housing options that meet the needs of individuals. Housing affordability and availability is a long running issue in this jurisdiction and costs have consistently exceeded gains in income. This property has the ability to accommodate no less than 35 relatively affordable single family homes in a location that is conveniently close to commercial services and all other urban amenities. The proposal will by no means solve Eugene's housing issues but it does help in small part to meet a demonstrated community need. The proposal is in compliance with Goal 10 and a step in the right direction.

Goal 11 Public Facilities and Services

The purpose of Goal 11 is to provide for the planning, development and provision of public facilities and services in a timely, orderly and efficient manner. All required services exist or are readily available as previously addressed in this narrative.

Goal 12 Transportation

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

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section 2 of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use 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 measured 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 included 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 functional plan.
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise not projected to meet the performance standard identified in the TSP or comprehensive plan.

It must be determined whether the proposed PAPA will significantly impact an existing or planned transportation facility. The PAPA does not significantly impact any planned or existing transportation facility.

The proposed amendment neither changes the functional classification of a transportation facility nor changes the standards implementing a functional classification under (a) or (b). Furthermore, the proposed PAPA will not result in any of the impacts listed in (A) through (C).

The analysis for the PAPA compared the reasonable worst case scenario under the existing zoning/planning designations to a reasonable worst case scenario under the proposed planning designation/ zoning. To determine if the proposal would result in more traffic generation than the existing plan designation and zoning, the traffic engineer applied the reasonable worst case scenario from the Institute of Traffic engineers trip generation manual coupled with allowable uses and standards for the appropriate planning designation/zone.

The technical analysis set forth in the TIA (Exhibit 8) showed a sharp decline in both the number of am and pm peak hour trips going from the existing to the proposed planning designations. Overall, the reasonable worst case scenario based on existing planning and zoning could result in 364 AM peak hour trips and 441 pm peak hour trips. The worst case scenario under the applicants proposed planning designation is 120 am peak hour trips and 158 Pm peak hour trips. This is a substantial reduction in the amount of traffic utilizing the planned facilities.

A reduction in the amount of peak hour trips is a finding that the proposed planning designations will not significantly affect any transportation facility whether existing or planned.

Goal 13 Energy Conservation

This goal is not applicable to this plan amendment request.

Goal 14 Urbanization

This request is entirely urban in nature as the subject property is annexed to the City of Eugene and is entirely within the urban growth boundary.

Goals 15-19

These goals are not applicable to the request. They are geographically oriented to specific areas.

The applicant's proposal is consistent with the statewide planning goals and as such meets this criterion for a refinement plan amendment.

C. The Proposal is Consistent with the Applicable Portions of the Metro Plan, Refinement Plan Amendment Criterion 2, EC 9.8424(1)(b)

The applicant's proposal to change the refinement plan designation of a portion of the subject property is consistent with the applicable portions of the Metro Plan. Approval of the applicant's Metro Plan diagram amendment, processed concurrently with this application ensures consistency with the Metro

Plan diagram.

Findings and goals set forth in the Metro Plan provide context to this application and this body's deliberation. While not constituting approval criteria, the proposal is broadly consistent with the goals set forth in the Metro Plan. The proposal also is supported by the Metro Plan policies for which compliance is mandatory.

In evaluating the applicants proposed changes it is beneficial to keep in mind the goals of comprehensive planning as this body weighs the benefit of the status quo against the benefit achieved by the applicant's proposal. The Maxwell Road Mixed Use proposal is consistent with the following Metropolitan Goals.

Growth management

1. Use urban, urbanizable and rural lands efficiently. (Metro Plan, II-B-1)

The applicant's proposal makes efficient use of urban land. The present plan designation is inefficient. Despite being the only commercial parcel of its size, type and location in the River Road area this parcel has remained vacant through nearly two complete planning horizon periods. The reason for this is the development plan is ill conceived. The property has very few of the attributes that make a parcel desirable for commercial development.

There is great unmet demand for additional residential development in this area. There is no demand for commercial land at this location. The proposal makes efficient use of urban land changing the planning designation for a majority of the parcel from a designation for which there is no demand and for which there is a demonstrated surplus into designation for which there is unmet demand. The proposal also uses land efficiently by increasing overall residential density within the city.

The proposal makes efficient use of urban land. The present zoning and planning designation do not. The proposal better achieves the fundamental purpose having urban lands. That in mind, ***the policies of the Metro Plan are the substantive portions of the plan that must support any Refinement Plan Amendment request.*** This application primarily implicates housing and commerce and as such the Metro Plan elements related to housing and the economy are most applicable. The application is in compliance with ***the following policies*** set forth in the Metro Plan:

Residential Land Use and Housing Element

A.4 Use annexation, provision of public facilities and services, rezoning, redevelopment and infill to meet 20-year projected housing demand. (Metro Plan, III-A-5)

This proposal is consistent with this policy. The applicant is requesting that the City accommodate housing needs through the rezoning process facilitated by this refinement plan amendment. The end result of this process will be the infill development of a presently vacant and underutilized parcel. This action shall help the city meet twenty year projected housing demand as at this time there is a demonstrated shortage of MDR planned land through the planning period.

A.10 Promote higher density residential development within the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves natural resource

lands outside the UGB. (Metro Plan, III-A-6)

The applicant is proposing to utilize majority of the property for higher density residential development on the subject property. That is, the minimum density allowable under the proposed planning designation is in excess of average residential in Eugene. This development will utilize existing infrastructure in compliance with this policy.

The application is also consistent with Housing Element policy A.11:

A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation efficient nodes. (Metro Plan, III-A-7)

The subject property meets the siting guidance set forth in this policy. The proposed higher density residential district is located near commercial services. The area immediately around the proposed MDR site is known as the Maxwell Commercial node. River Road and the surrounding area is a Metropolitan wide center for the provision of goods and services. (Exhibit 12) The area immediately north of the overpass of OR 569 and River road is a major destination for commercial services. Additionally, the proposed development is in close proximity to OR 569 and River Road, major transportation systems.

The applicant's proposal is also in compliance with Metro Plan Housing policy A.12:

A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space and other urban amenities. (Metro Plan, III-A-7)

The proposed higher density residential development is located conveniently close to adequate infrastructure and services, open space and other urban amenities. The subject property is adjacent to Maxwell, Maxwell Connector and North Park. The subject property is also suitably close to other urban amenities. Howard Elementary, Kelly Middle and North Eugene High School near the subject property. Other urban amenities such as Saint Mary's Catholic Church and a post office are suitably close by. The Mahlon-Sweet airfield is approximately three miles from the subject property. Additionally, open space is provided nearby. Walnut Grove Park is conveniently close to the subject property. Also nearby is the bicycle path along the Willamette River providing convenient access to the public corridor and the open space and parks located along the river.

The proposal also complies with policy A.13:

A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed infill, redevelopment and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods. (Metro Plan, III-A-7)

The Maxwell Road Mixed Use proposal will increase overall residential density by creating an opportunity for effectively designed in-fill and mixed use. The development site will meet the definition of mixed use as there is more than planning district proposed. The majority of the presently vacant and underutilized site will develop with attractive, new, desirable medium density residential development while at the same time considering the impact of increased density on the existing neighborhood.

The establishment of new housing stock will screen the existing low density residential development to the south from the more intensive commercial development that fronts on Maxwell. Additionally, the result of this application is a likely reduction in traffic from the present planning designations. This proposal will accommodate increased density and minimize impacts to the existing neighborhood.

The proposed development will result in infill and mixed use and be less impactful and more consistent with existing neighborhood character than the present planning districts.

The application is also in compliance with Policy A.17

A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location. (Metro Plan, III-A-8)

Approval of this application will help implement policy A.17. There are no vacant residential parcels of this size and proposed zoning in the River Road subarea and there are only approximately six total acres. Approval of this application will provide an opportunity for a full range of choice in housing density, size cost and location as provided for in Policy A.17. Approval would allow a portion of the subject to develop with single family housing whereas at this time, the only residential development that can occur on the subject property is multi-family housing placed on the GO portion of the site.

In a similar fashion, the proposal promotes the concept set forth in policy A.20:

A.20 Encourage home ownership of all housing types, particularly low income households. (Metro Plan, III-A-9)

The proposed district will encourage home ownership. As noted, the purpose of pursuing this process is to develop the property with attractive single family residences at higher density and lower cost than the average new residential development within the City of Eugene. Approval will enable the development of the subject property with detached single family homes. At this time, the only residential development that could occur on the subject property is attached housing. Thus, the approval of the proposal will encourage home ownership.

In evaluating whether the proposed change from a development site that is entirely commercial to a development site that is primarily zoned for residential with nearly two acres available for commercial development the applicant respectfully submits that the following findings from the Metro Plan, while not mandatory approval criteria should inform this body's deliberations as to the importance of maintaining the present designation or making a change to meet existing needs.

Findings

14. *Housing costs are increasing more rapidly than household income. With rising land and housing costs, the market has been and will continue to look at density as a way to keep housing costs down. (Metro Plan, III-A-6)*

Consistent with this finding, the applicant is proposing increased density as a way to keep housing costs in line with what is affordable for the median family in Eugene.

16. *Although single family detached lot sizes are decreasing, the Metro Plan targeted residential densities are not being achieved at this time. The Metro Plan assumes a net density of 8.57 units per acre (note: translation from 6 units per gross acre) for new development over the planning period. For new dwelling units constructed during 1996 to 1994, the net density was 7.05 units per acre based on the Regional Land Information database of Lane County (RLID). The estimated overall residential net density for all residential development has climbed from 5.69 units per acre in 1986 to 5.81 units per acre in 1994. (Metro Plan, III-A-6)*

The applicant intends on developing this parcel in a manner consistent with the adjacent Pennington Acres subdivision. That subdivision had a higher than average net residential density by developing single family homes on lots of approximately 5000 square feet in size. This will continue to aid in the increase in overall net density. Ultimately, approval of the Maxwell Road Mixed Use proposal will inevitably increase overall residential density in Eugene as the development will be required to comply with the density standards of the Medium Density residential zone.

34. *There is a shortage of unconstrained medium and high density zoned sites, for sale, that are flat and serviced with utilities. This is particularly true in Eugene (Metro Plan, III-A-11)*

The applicant's proposal partially alleviates this shortage by providing a flat, unconstrained medium density development site that is fully serviced with utilities.

35. *Based on the 1995 Eugene Springfield Consolidated Plan, in Eugene and Springfield, 35 percent of households experience housing problems (defined by HUD as overcrowded, substandard, or the household is paying over 30 percent of its income for housing and utilities). The predominant housing problem is that households are paying more than they can afford for housing. (Metro Plan, III-A-11)*

The application will provide an opportunity for the development of new more affordable new housing stock than what is generally available. The benefits of the proposal greatly outweigh any benefits of the *status quo*.

The proposed amendment is consistent with the applicable portions of the Metro Plan in compliance with this requirement.

D. The Proposal is Consistent with the Remainder of the Refinement Plan (EC 9.8424(1)(c))

The application is consistent with the remainder of the River Road Santa-Clara Urban Facilities Plan.

The proposed diagram amendment is consistent with the following RRSCUFP General Land Use policy:

- 1.0 *Minimize land use conflicts by promoting compatibility between land uses (RRSCUFP, 2-7)*

The applicant's proposal will minimize conflicts between land uses. The proposed use will provide a substantial transitional zone between low density residential development and the commercial development in the "Maxwell commercial node." The applicant's proposal is fully compatible with existing neighborhood character and will reduce land use conflicts. The current planning designations

create land use conflicts.

During the applicant's meetings with the neighborhood association concern was expressed over the scale of development that could occur on the subject property as presently planned. The types of development that can now occur as presently planned are viewed by the area residents as incompatible with the existing development in the area. Concern was expressed that the subject property could eventually house a relatively large scale commercial development and that the height allowances in the present planning districts would be incompatible with the existing single family nature of the neighborhood.

Neighborhood Association members were also concerned with the traffic impacts an 8.7 acre commercial development would have on the public elementary school situated directly across from the subject property. Concern was expressed that the higher levels of traffic from the commercial development are incompatible with the school because main access is going to be have to be provided off North Park essentially directly across from the school. Concern was also expressed over the scale bulk and height of the types of development that may occur on the site as presently planned. In the view of the Neighborhood Association and ours, present planning designations promote rather than minimize the land use conflicts because the present scale of the commercial designation is incompatible with existing development.

The neighborhood association indicated unequivocal preference for the applicants proposed planning arrangements primarily because the applicant's proposal is deemed more compatible with existing land use. The Maxwell Road Mixed Use proposal will result in attractive, new, single family homes. This action minimizes conflicts and promotes compatibility.

The application is also consistent RRSCUFP Residential Land Use policies 1 and 2:

- 1.0 *Recognize and maintain the predominately low density residential character of the area consistent with the Metro Plan. (RRSCUFP, 2-14)*
- 2.0 *Provide a diversity of housing types in the area (RRSCUFP, 2-14)*

The application proposes a change to a medium density residential planning designation for seven acres of the site recognizing the predominately low density character of the area. The proposed planning designations are less impactful to and more protective of existing low density neighborhood character than the present designations.

At this time the only types of residential development that are permitted on the site are multi-family dwellings. The proposal would permit single family residences more in keeping with the existing low density character of the neighborhood. Furthermore, the existing planning designation allows for the development of large scale commercial uses on the subject property that are not compatible with the predominately low density residential character of the area.

- 5.0 *Permit medium density residential housing (10-20 dwelling units/acre) in proximity to existing or planned urban facilities. Access to commercial development, transit and open space should be considered (RRSCUFP, 2-15)*

The applicant has proposed medium density residential development in proximity to existing urban facilities in compliance with this policy. There is access to public transit as well as a built out street network. The streets are served by mass transit and a fully developed transportation infrastructure. Mahlon-Sweet Airport is near the subject property. The airport is only three miles from the subject property and major transportation infrastructure such as OR 569 is only one mile away. The proposed residential designation is in convenient proximity to commercial development in the “Maxwell Node” as well as conveniently located to access the metropolitan wide scale commercial services offered on River Road particularly in the vicinity of OR 569. Within an approximately two mile radius there is an extremely large amount of commercial development that could provide for a residents every need. Open space, Walnut Grove Park is also very close to the subject property in compliance with this policy.

The application is consistent with the policies set forth in the Commercial and Industrial Land Use Element of the RRSCUFP which provides:

- 6.0 *New neighborhood commercial uses shall be located away from River Road in locations that facilitate the provision of commercial facilities scaled to a residential area and that allow for the dispersal of commercial uses throughout River Road-Santa Clara. (RRSCUFP 2-19)*

The applicant proposes to reduce the size of the existing commercial area allowing new neighborhood scale commercial uses to locate on the site. At present, the commercial area, while away from River Road is not scaled to a residential area. The site is large for neighborhood commercial uses and is out of scale for the type of use intended to be accommodated. As of now, the Maxwell Commercial node is over sixteen acres in size. Normally, neighborhood commercial uses are less than five acres in size. Feedback from the neighborhood association indicates that there is no neighborhood interest in commercial development on this scale. Furthermore, there is no demonstrated need for commercial development on this site.

Assuming approval of the applicant’s request, the remaining commercial area on the south side of Maxwell will be a contiguous commercially planned area of approximately six acres. This is a size that is entirely appropriate for neighborhood commercial uses and is scaled for neighborhood commercial use in compliance with this policy.

Any future development on the site will also be subject to the siting and development standards as set forth in the RRSCUFP which provides:

- 7.0 *Ensure compatibility between neighborhood commercial developments and the surrounding residential area by identifying and applying siting and development standards. (RRSCUFP, 2-19)*

The RRSCUFP also contains a set of recommendations specific to the area in which the subject property is located. The proposal is consistent with those recommendations. Recommendation 2 provides:

2. *Recommend development of medium density residential housing, while maintaining natural features, for neighborhood park and open space through clustering and site review. (RRSCUFP 2-28)*

The applicant has retained both the Site Review overlay district and Water Resources Overlay zones consistent with this policy.

The application complies with recommendation 3 as well which provides:

3. *Concentrate medium density development around the commercial node . . . (RRSCUFP 2-28)*

The applicant has proposed medium density residential development immediately adjacent to the commercial node in compliance with this refinement plan recommendation.

The applicant has included a brief discussion of the refinement plan text proposed for amendment. The amendment eliminates the portion of the refinement plan that would conflict with the proposal in the absence of amendment.

The applicant proposes to amend the applicable plan recommendation found on page 2-28 of the RRSCUFP to read as follows:

- 5 ~~Maintain the current commercial designation to the north of [T]he line which would be Howard Avenue if ever extended westerly~~ constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road. ~~Only commercial developments making unified use of five or more acres shall be allowed in the subarea.~~ [EC 9.9610(8)(d)], [RRSCUFP, 2-28, 1986]

The plan recommendation shall read:

- (d) The line constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road.

The applicant's proposed language closely implements the intent of the refinement plan. The proposed language also honors the refinement plan by preserving the primarily low density nature of the River Road area. It also provides screening and a transitional zoning district between the low density zones and the higher visual impact imposed by the commercial node. The proposal also recognizes the importance commercial node striking a more appropriate balance between residential and commercial use on this site.

D. The Refinement Plan Amendment addresses new and amended community policies EC 9.8424(2)(c) as well as substantial changes in circumstances not anticipated at the time of adoption of the refinement plan (EC 9.8424(2)(e) , (Refinement Plan Amendment Criterion 3).

The applicant respectfully submits that the plan amendment addresses the *numerous changes in circumstances not anticipated at the time of adoption that argue in favor of the Maxwell Road Mixed Use proposal.*

There have been substantial changes in circumstances since the adoption of the refinement plan that were not anticipated at the time of adoption that have a bearing on this application. One such change is

that there is a demonstrated need metropolitan wide for MDR land and a demonstrated surplus of commercial land.

The 1992 CLS found a surplus of approximately 170 acres of commercial land through 2010. Subsequent natural resource actions reduced the surplus by approximately 70 acres. However, subsequent Metro Plan amendments have served to add land to the commercial land inventory and the surplus is not reduced. The same cannot be said for the MDR supply. There is a deficit of MDR land through the planning period.

This scenario was not anticipated at the time of refinement plan adoption and has a bearing on this public policy choice. The fact is that housing costs have outstripped gains in income. It is increasingly difficult to find housing that meets individual needs. An ever increasing number of citizens are burdened by high housing costs.

Homes and building sites of this type are in overall short supply in Eugene and there is a large unmet demand leading to increased costs. This is not an anecdote but is supported by the Metro Plan findings and is noted in Envision Eugene Fact Sheet 8, Eugene Housing affordability. Despite awareness of the issue, the data suggests housing affordability issue has become more rather than less acute in the past years. Affirmative steps should be taken to remedy the situation.

At the time of plan adoption there were hundreds of vacant residential acres in the River Road area alone. The situation is now much altered and warrants revisiting the designations of the subject property. This is the sole remaining parcel that can provide new and relatively affordable housing stock in the River Road area. The need for such housing is unfortunately greater than ever.

While the need for such housing grows, the supply of land available for commercial development has remained relatively constant. The City of Eugene recently undertook efficiency measures related to the Envision Eugene process and added land for commercial development. This land does not technically become part of the inventory but the establishment of the E-2 zone and the rezoning process on West 11th effectively made 67 plus acres of land available for commercial use. This efficiency measure was unforeseen at the time of plan adoption and has a bearing on the demand for larger commercial uses on the subject property. These facts inform the choice deliberated by this body and argue for approval of the proposal.

In addition to the changing circumstances related to the supply and demand of both commercial and residential land on a Metro scale, on a local level the River Road area is almost entirely built out. (Exhibit 12, 13) This includes residential and commercial land. The subject parcel is the sole remaining large parcel in the area. These development facts constitute a change in circumstances and warrant revisiting the policy choice of retaining the subject property for neighborhood commercial development. Particularly relevant to this application is the high demand for medium density housing in the area and the low demand for additional commercial development.

The RRSCUFP describes Subarea (e) Maxwell/ Park Avenue, (in which the subject property is located) is described as “contain[ing] a large amount of vacant undeveloped land ” (RRSCUFP, 2-28).

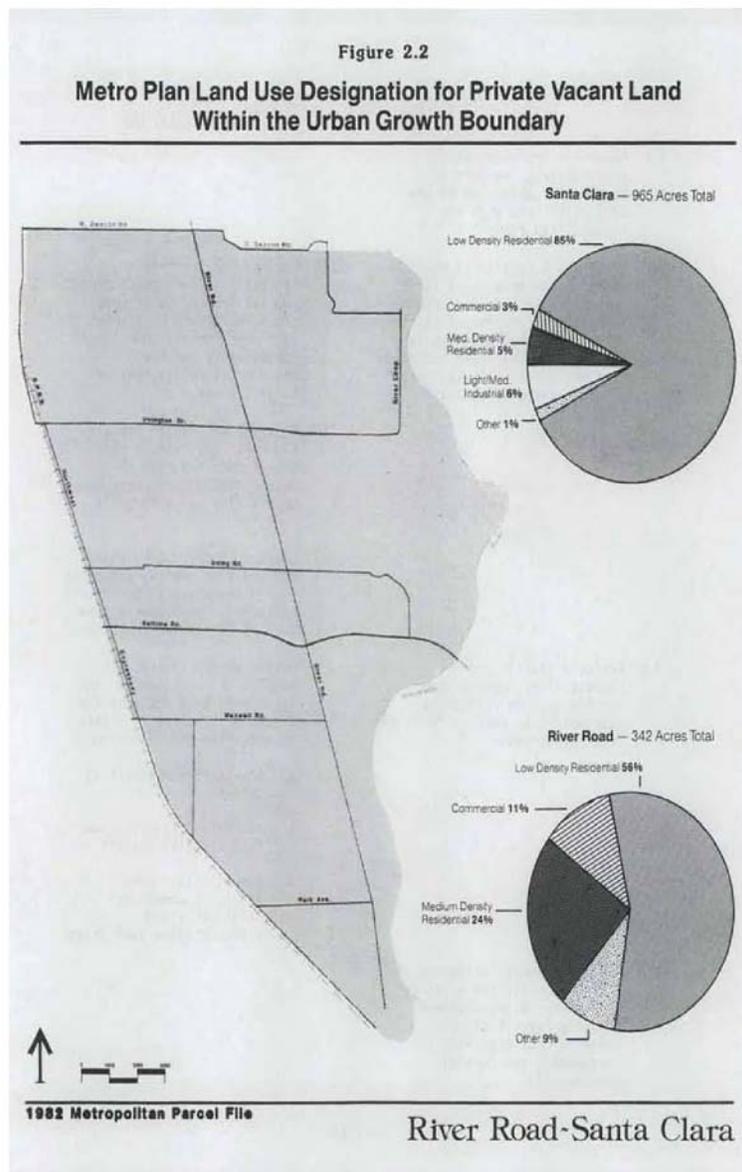


Figure 2.2 in the RRSCUFP entitled “Metro Plan Designation for Private Vacant Land within the Urban Growth Boundary” provided that there were 342 vacant acres in the River Road area alone. Of this acreage, 24% was designated for Medium Density Residential use and 56% was designated for Low Density residential. This means that there were eighty two vacant acres of Medium Density Residential land. The LDR supply was even more robust, over one hundred ninety one acres.

The CLS also identifies large amounts of vacant commercial land in the River Road Santa-Clara Neighborhood and the Residential Lands and Housing Study and the Draft Site Inventory both describes large amounts of vacant residential land in the area.

Since those documents were adopted, the overwhelming majority of vacant land in the area has developed since the refinement plan was adopted in 1986. Nearly all of the vacant residential land has developed the only vacant parcel is small in size and cannot accommodate demand. Nearly all of the commercial land has also developed *with the exception of this property*. (Exhibit 13)

The subject property is unique in the area. It is large, flat, vacant, unconstrained and zoned for commercial use. It is alone in having these characteristics in the subarea. Nonetheless, uniqueness has not led to development over the past 30 years rather the opposite; the subject property has remained vacant because the existing commercial designation is not a desirable use in this location. If it was a good location for commerce at this scale, the property would have developed in the intervening thirty years since the adoption of the plan or have been purchased for development.

At the time of adoption of the refinement plan no one anticipated that the entirety of the residential land base in the subarea would develop but that the largest tract in the commercial node, which was anticipated to provide goods and services to area residents would remain vacant for a period of 30 years.

Clearly no one anticipated the substantial obstacles that prevent development of this site with commercial uses or extent to which the existing commercial facilities in the area prevent this site from being developed was not considered.

In addition to the location of the commercial node, the language of the adopted plan policy is problematic. Allowing only unified commercial developments five acres in size or larger limits the utility of the subject property for commerce. Most neighborhood commercial developments are five acres in size or less, not more.

The relative supplies of the types of land balanced against the existing demand for each type also warrants a revisiting of the planning designation and argue in favor of the policy choices implicit in approving the applicant's request.

The River Road area, specifically the area in which the subject property is located, needs more housing not superfluous commercial development.

There are also new and amended community policies enacted after the adoption of the refinement plan. These policies are set forth in the Eugene Code. These provisions further refine of the purpose statement set forth in the previous code and reflect a transition from the generalized aspirational type language of the old Eugene Code to more specific recommendations. As they apply to this application, they argue in favor of the applicant's proposal.

EC 9.0020 provides:

9.0020 Purpose. The purpose of the land use code is to protect and promote the health, safety and general welfare of the public and to preserve and enhance the economic, social and environmental qualities of the community.

(a) Support the existing Eugene growth boundary by taking actions to increase density and use existing vacant land more efficiently. (Policy 1)

The proposal will increase urban density within the UGB and will use vacant land more efficiently. There is no demand in the area, a surplus of inventory and therefore no use for the present zoning and planning districts in contrast to the high demand for residential land as proposed. It is not efficient to allocate limited resources to a zoning district for which there is no demand while at the same time neglecting to address the substantial and unmet need for additional housing. Please note that at the time

of plan adoption this policy did not exist.

- (b) Encourage in-fill, mixed use, redevelopment, and higher density development. (Policy 2)

The proposal will encourage in-fill, mixed use and higher density residential development in compliance with this policy for the reasons already set forth in this statement. This policy also did not exist at the time of plan adoption.

- (f) Increase density of new housing development while maintaining the character and livability of individual neighborhoods. (Policy 6)

The proposal would increase the density of new housing development and maintain the livability of individual neighborhoods. The proposal will not impact the transportation infrastructure to a greater extent than the present zoning. The proposal will maintain the commercial node and commercial designation on the property adjacent to and fronting on Maxwell where on adjacent parcels there is commercial development consistent with existing neighborhood character. Simultaneously, the proposal will eventually result in the construction of new housing stock consistent with and improving on the existing neighborhood. The proposal will maintain character and livability of the existing neighborhood far greater than the present designations. Neither did this policy exist at the time of plan adoption.

- (g) Provide for a greater variety of housing types. (Policy 7)

As planned/ zoned, the commercial portion property can only be developed with attached housing on separate lots or multi-family housing. As proposed, the property can be developed with single or multi-family housing. This will allow a greater variety of housing types in the subject property.

- (h) Promote construction of affordable housing. (Policy 8)

The proposal will promote the construction of affordable housing by utilizing density as a means of keeping costs down.

- (j) Encourage the creation of transportation efficient land use patterns and implementation of nodal development concepts.

While not intuitive, the proposal will encourage the development of transportation efficient land use patterns as higher density residential development will be located conveniently close to commercial and retail services, parks, open-space, government facilities, schools, the airport, major transportation facilities and other urban amenities.

For the reasons set forth in this refinement plan amendment the applicant requests approval of this proposal.

III. Land Use Code Amendment

The applicant's proposed amendment to the River Road Santa Clara Urban Facilities Plan triggers the requirement for an amendment to the Eugene development code. This is necessary because the

applicant proposes changing codified refinement plan language.

EC 9.9610(8)(d) provides:

- (d) Maintain the current commercial designation to the north of the line which would be Howard Avenue if ever extended westerly. Only commercial developments making unified use of five or more acres shall be allowed in the subarea. [EC 9.9610(8)(d)],

This is a direct transposing of the language found in the RRSCUFP in recommendation 5 on page 2-28. The applicant proposes to amend the existing language of EC 9.9610 as follows:

- (d) ~~Maintain the current commercial designation to the north of [T]he line which would be Howard Avenue if ever extended westerly~~ constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road. ~~Only commercial developments making unified use of five or more acres shall be allowed in the subarea.~~ [EC 9.9610(8)(d)], [RRSCUFP, 2-28, 1986]

The revised Ordinance would read:

- (d) The line constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road.

These changes are necessary to implement the Maxwell Road Mixed Use proposal.

9.8060 **General Requirements.** Sections 9.8060 through 9.8065 apply to amendments to this land use code, which shall be processed as provided in EC 9.7500 through EC 9.7560, under Type V Application Procedures.

This request is being reviewed under Type V procedures in compliance with this requirement.

9.8065 **Code Amendment Approval Criteria.** If the city council elects to act, it may by ordinance, adopt and amendment to this land use code that:

(1) Is consistent with the applicable statewide planning goals as adopted by the Land Conservation and Development Commission.

The proposed code language is consistent with the statewide planning goals. The Oregon Land Department and Development Goals and Guidelines are incorporated by reference.

Goal 1 Citizen Involvement

The amendments do not amend the citizen involvement provisions; the process for adopting this amendment complies with Goal 1 because it complies with the adopted acknowledged citizen involvement program. The applicant involved citizens in the process as required by Ordinance (Exhibits 9, 10, 11)

Goal 2 Land Use Planning

This goal requires jurisdictions establish a land use planning process and policy framework as a basis for all land use decisions and requires the development of an adequate factual base to support all land use decisions. The City of Eugene has adopted a Metro Plan amendment process, (as well as a zone change and refinement plan amendment process) with specific standards that must be addressed and met in order to support a land use change of the type proposed. Compliance with these standards constitutes compliance with the applicable provisions of Goal two. This application complies with the above referenced requirement and this statewide planning goal.

Goal 3 Agricultural Lands

This goal strives to maintain and preserve agricultural lands. The proposed amendments and zone change do not implicate any agricultural land. The subject property is entirely within Eugene's UGB and, by definition, the request is entirely urban in nature.

Goal 4 Forest Land

This goal strives to maintain and preserve forestland. Neither do the proposed amendments and zone change implicate any forestland. The request is entirely urban in nature.

Goal 5 Open Spaces, Scenic and Historic Areas and Natural Resources

The site does not contain any Goal 5 Significant Riparian Corridors or any Goal 5 Wetlands designated for protection. The site contains wetland site RSC-34, Middle Flat Creek. This wetland site is not designated for protection and as such there is no conflict with any Goal 5 resource. Conflicting uses are fully allowed on this site. This same wetland is also known as Riparian Corridor E 61-F, again, conflicting uses are fully allowed. There are no rare or sensitive species present on the subject property or any known occurrences of rare or sensitive species on the subject property. (Exhibit 7)

This application is a Post Acknowledgment Plan Amendment (PAPA). The Oregon administrative rules govern how to apply Goal 5 in the context of Post Acknowledgment Plan Amendments. OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section a PAPA would affect a Goal 5 resource only if:

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
- (c) The PAPA amends an acknowledged UGB and actual information is submitted demonstrating

that a resource site, or the impact areas of such a site, is included in the UGB area.

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, does not allow new uses that could be conflicting uses with a particular Goal 5 resource site and does not amend an acknowledged plan boundary. Therefore, statewide planning Goal 5 does not apply.

Goal 6 Air, Water and Land Resource Quality

This goal is intended to maintain and improve the quality of the air, water and land resources of the state. This goal is generally implemented at the time of Comprehensive Plan development and during the comprehensive planning process. To the extent that this goal is site specific it requires adequate measures be taken to protect air, water and land quality. Compliance with this goal has been established through Goal 5 compliance.

Goal 7 Areas subject to natural disasters or hazards.

This goal is intended to protect life and property from natural hazards. There are no risks of natural hazards on the subject property that are distinct from the natural hazards that generally exists in this region including earthquake, wildfire landslide, high winds or other natural disasters.

The application complies with this goal.

Goal 8 Recreational Needs

This goal addresses the recreational needs of residents and visitors to the state. This goal is inapplicable to the proposal.

Goal 9 Economy of the State

The purpose of this goal is to provide adequate economic opportunities throughout the state.

This goal is primarily applicable to commercial and industrial development but is intended to ensure that there is an adequate supply of sites of suitable size, type, and location for commercial and industrial development for the planning horizon period.

The application will remove a small amount of land from the commercial inventory but consistent with this statewide planning goal.

The Eugene Commercial Lands Study (CLS) from 1992 is the most recent adopted document that analyzes the supply of commercial land in the City of Eugene. That document found "there was a forecasted demand in Eugene for 109 acres of developable office land and 423 acres of non-office commercial land for a total of 532 acres by the year 2010." (Eugene Commercial Lands Study II-11) The study also examined the demand for commercial land through the planning period. According to the same study the forecasted supply of commercial land exceeds the demand for commercial land by 170 acres. Subsequent natural resource actions have reduced the surplus found in the CLS. The /WR and /WQ resource zones reduced the size of the commercial surplus by 77.01 acres. Subsequent Metro

Plan amendments since 2007 have added approximately 37.31 of commercial redevelopment capacity.

The application would result in only a fraction of a reduction of the acknowledged surplus of commercial land.

In addition to the acknowledged surplus, the recent amendments to the Eugene Code that created the E-2 zone are intended to implement an Envision Eugene efficiency measure and facilitate commercial and industrial development. The practical result of this action is that there are no less than 67 acres of industrial land that are now effectively available for commercial development. While not an addition to the inventory, this measure has the practical effect of further diminishing the importance of the subject property to the overall supply of commercial land.

The development site is not of a suitable size, type or location to promote economic development within the city of Eugene through the present commercial plan designation as required by Goal 10.

The site is oversized to serve neighborhood commercial uses. The Eugene Development Code provides that Neighborhood Commercial areas are normally five acres in size or less. (EC 9.2110) The subject property is located in a fifteen acre neighborhood commercial area; there are few if any neighborhood commercial developments of this size anywhere in the city. Furthermore, area residents' needs are already demonstrably being met by the tremendous amount of commercial development in the vicinity of the subject property by the existing neighborhood commercial development. (Exhibit 12)

The site is inconvenient to access. This is not a desirable attribute in a large commercial area. Access to commercial development fronting on Maxwell will likely have to be provided off of North Park, an unsuitable arrangement. This is because of the spacing standards and the location of the Northwest Expressway relative to the subject property.

Further evidence that the site is unsuitable for commercial development is the plainly evident fact that the site has not developed with commercial uses even as it is the only commercial property of its size and type in the area. At present, the only benefit the site provides is as vacant undeveloped commercial inventory. Any theoretical benefits from commercial development are not likely to accrue. The site has been vacant for thirty years and is likely to remain vacant without approval of this request. This is no benefit to any party.

If the Maxwell Road Mixed use proposal were approved, the overall commercially planned area on the south side of Maxwell would remain over six acres with two acres on the north side of Maxwell. This is large enough to accommodate neighborhood needs.

The proposal complies with this statewide planning goal.

Goal 10 Housing

The Maxwell Road Mixed Use proposal provides for the housing needs of Eugene's citizens.

The City of Eugene evaluated its supply of residential land in the 1995 Residential Land and Housing Study and examined that inventory more carefully in the "Eugene-Springfield Metropolitan Area Residential Lands and Housing Study Draft Site Inventory Document, (April 1997) (hereinafter Draft Site Inventory Document). That document divided the Eugene-Springfield area into 18 subareas and

identified all whole or partially vacant medium or high density residential sites of one acre or larger and low density sites of ten acres or larger.

The River Road area is identified as subarea 10 in the Draft Site Inventory Document. It listed thirteen sites (1-13) as available for medium density development. According to the 1997 Draft Site Document, there were also approximately 93 acres available for MDR development in the River Road Subarea.

The Eugene-Springfield Residential Lands Study is the most recent adopted document that analyzes residential land availability in Eugene. As such, this application must address that document. That document found that the supply for medium density residential land exceeds demand through the planning period. Technically, there is also a surplus of MDR land in the City of Eugene. The facts on the ground do not reflect any surplus. In fact, the opposite is true. Past plan amendments and resource based actions have reduced the overall supply to the point that there is a deficit of MDR land.

In order to determine the present supply of MDR in the River Road Subarea, the applicant has examined sites 1-13 from the draft inventory document and identified their present development condition in the document entitled "Metropolitan Residential Lands and Housing Study January 1995 Sites in Subarea 10." and provided inset maps with detailed aerial photography sourced from the most recently available Google Earth imagery. Please see the attached Exhibit 13.

The conclusion is that the overwhelming majority of the land identified as vacant and available for MDR development in 1997 has been absorbed or is in the active process of being developed. In fact, the last 6.9 vacant acres that were remaining available in site 10-4 as the sole relatively large site remaining in single ownership available for residential development in the subarea developed in 2014 as the ECCO Apartments. There is one potential development site remaining on River Road but it is relatively small scale comprising no more than a couple acres. The vacant supply has been essentially fully absorbed within eighteen years.

At this time, there is a great and unmet need for vacant, development ready residential sites and housing availability and cost remain acute issues in the City of Eugene. These are not new issues. The Metro Plan provides:

Findings

14. *Housing costs are increasing more rapidly than household income. With rising land and housing costs, the market has been and will continue to look at density as a way to keep housing costs down. (Metro Plan, III-A-6)*

The Metro Plan also provides:

36. *There is a shortage of unconstrained medium and high density zoned sites, for sale, that are flat and serviced with utilities. This is particularly true in Eugene (Metro Plan, III-A-11)*

The Maxwell Road Mixed Use proposal partially alleviates this shortage by providing a flat, unconstrained medium density development site that is fully serviced with utilities.

This Statewide Planning Goal directs the City of Eugene to develop housing options that meet the

needs of individuals. Housing affordability and availability is a long running issue in this jurisdiction and costs have been consistently exceeding gains in income. This property has the ability to accommodate no less than 35 relatively affordable single family homes in a location that is conveniently close to commercial services and all other urban amenities.

The proposal will by no means solve Eugene's housing issues but it does help in small part to meet an identified community need and is in compliance with Goal 10.

Goal 11 Public Facilities and Services

The purpose of Goal 11 is to provide for the planning, development and provision of public facilities and services in a timely, orderly and efficient manner. All required services exist or are readily available as previously addressed in this narrative.

Goal 12 Transportation

The purpose of Goal 12 is to provide and encourage a safe, convenient and efficient transportation network.

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

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section 2 of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use 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 measured 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 included 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 functional plan.
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise not projected to meet the performance standard identified in the TSP or comprehensive plan.

It must be determined whether the proposed post acknowledgment plan amendment will significantly impact an existing or planned transportation facility. The PAPA does not significantly impact any planned or existing transportation facility.

The proposed amendment neither changes the functional classification of a transportation facility nor changes the standards implementing a functional classification under (a) or (b). Furthermore, the proposed PAPA will not result in any of the impacts listed in (A) through (C).

The analysis for the PAPA compared the reasonable worst case scenario under the existing zoning/planning designations to a reasonable worst case scenario under the proposed planning designation/ zoning. To determine if the proposal would result in more traffic generation than the existing plan designation and zoning, the traffic engineer applied the reasonable worst case scenario from the Institute of Traffic engineers trip generation manual coupled with allowable uses and standards for the appropriate planning designation/zone.

The technical analysis set forth in Exhibit 8 showed a sharp decline in both the number of am and pm peak hour trips going from the existing to the proposed planning designations. Overall, the reasonable worst case scenario based on existing planning and zoning could result in 364 AM peak hour trips and 441 pm peak hour trips. The worst case scenario under the applicants proposed planning designation is 120 am peak hour trips and 158 Pm peak hour trips. This is a substantial reduction in the amount of traffic utilizing the planned facilities.

A reduction in the amount of both am and pm peak hour trips is a finding that the proposed planning designations will not significantly affect any transportation facility whether existing or planned demonstrating compliance with Goal 12.

Goal 13 Energy Conservation

This goal is not applicable to this plan amendment request.

Goal 14 Urbanization

This request is entirely urban in nature as the subject property is annexed to the City of Eugene and is entirely within the urban growth boundary.

Goals 15-19

These goals are not applicable to the request. They are geographically oriented to specific areas.

The proposed code language is consistent with the statewide planning goals and as such meets this criterion for a land use code amendment. The second criterion requires a showing that the proposed language is consistent with the relevant planning documents.

9.8065 **Code Amendment Approval Criteria.** If the city council elects to act, it may by ordinance, adopt and amendment to this land use code that:

- (2) Is consistent with the applicable provisions of the Metro Plan and applicable adopted refinement plans.

The Metro Plan diagram, the Refinement Plan diagram and the text are all amended simultaneously as part of this application packet. This action addresses compliance with the relevant diagrams. As proposed the designations are consistent with the relevant portions of the Metro Plan as amended and

the amended refinement plan.

In fact, the Maxwell Road Mixed Use proposal is entirely consistent with the growth management goals set forth in the Metro Plan, addresses issues set forth in Metro Plan findings and is consistent with applicable Metro Plan policies and applicable adopted refinement plans.

Goals are not mandatory approval criteria, but they do inform deliberative bodies as they make choices about the proper implementation of the Metro Plan. The applicant's proposal is consistent with the goals set forth in the Metro Plan. The proposal is consistent with the following Metropolitan Goals:

Growth management

Use urban, urbanizable and rural lands efficiently. (MP II-B-1)

The Maxwell Road Mixed Use proposal uses urban land efficiently. This urban parcel is vacant despite being the only parcel of its size, type and location in the River Road area. The reason for this is relatively simple. The plan is inappropriate. The subject property has none of the attributes that make a parcel desirable for commercial development. Concurrently, there is unmet demand for additional residential development in this area and in the city of Eugene generally.

The more efficient use of this parcel is as the applicant proposes to utilize it for residential development which is known to be in great demand rather than reserve the parcel for commercial development that ***could conceivably occur*** at some point in the remote future ***if*** the conditions that could make this site desirable from a commercial development standpoint happen in the future.

It is far more efficient to utilize this land alleviate a known, existing problem and to help remedy the MDR deficiency rather than to retain the commercial designation where such development can easily be accommodated elsewhere.

The applicant's proposal is also in compliance with other Metropolitan housing goals such as:

Residential Land Use and Housing

1. Provide viable residential communities so all residents sound, affordable housing that meets individual needs. (Metro Plan, II-A-1)

The Maxwell Road Mixed use proposal will assist in the creation of a viable residential community meeting individual needs. The ultimate result of approval of this application will be the development of sound new housing stock in an existing residential neighborhood. Housing of this size and type is relatively affordable and meets individual needs. The applicant's proposal is consistent with Metropolitan area land use goals.

Most importantly, the request is in compliance with the following ***policies*** set forth in the Metro Plan:

Residential Land Use and Housing Element

A.4 Use annexation, provision of public facilities and services, rezoning, redevelopment and infill to meet 20-year projected housing demand. (Metro Plan, III-A-5)

The applicant is requesting that the City accommodate housing needs through the rezoning process as the majority of this property is far more suitable for residential use rather than commercial use. The end result of this process will be the infill development of a presently vacant and underutilized parcel helping to meet existing housing demand.

The proposal is consistent with policy A.10 which provides:

A.10 Promote higher density residential development within the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves natural resource lands outside the UGB. (Metro Plan, III-A-6)

The applicant is proposing to utilize majority of the property for higher density residential development. The densities achieved on the site will ultimately be higher than overall residential averages in Eugene. This development will also utilize existing infrastructure in compliance with this policy.

The application is also consistent with Housing Element policy A.11:

A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation efficient nodes. (Metro Plan, III-A-6)

The subject property meets the siting guidance set forth in this policy. The proposed higher density residential district is located near commercial services. The area around the proposed development serves as a major center for the provision of goods and services. (Exhibit 12) River Road area itself is highly developed with retail and commercial services. The area immediately north of the overpass of OR 569 and River road is a major destination for commercial services. Additionally, the proposed development is in close proximity to OR 569 and River Road, major transportation systems.

The proposal is also in compliance with policy A.12:

A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space and other urban amenities. (Metro Plan, III-A-7)

The proposed higher density residential development is located conveniently close to adequate infrastructure and services, open space and other urban amenities. The subject property is adjacent to Maxwell, Maxwell Connector and North Park. The subject property is also suitably close to other urban amenities. Howard Elementary, Kelly Middle and North Eugene High School are in the vicinity. Other urban amenities such as Saint Mary's Catholic Church and a post office are suitably close by. The Mahlon-Sweet airfield is approximately three miles from the subject property. Additionally, open space is conveniently available; Walnut Grove Park is conveniently close to the subject property. Also nearby is the bicycle path along the Willamette River providing convenient access to the green corridor located along the river.

The proposal also complies with policy A.13:

A.13 Increase overall residential density in the metropolitan area by creating more opportunities for

effectively designed infill, redevelopment and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods. (Metro Plan, III-A-7)

The Maxwell Road Mixed Use proposal will increase overall residential density by creating an opportunity for effectively designed in-fill and mixed use. The development site will meet the definition of mixed use as there is more than one zoning district present on the development site.

The majority of the presently vacant and underutilized site will develop with attractive, new, desirable medium density residential development while at the same time considering the impact of increased density on existing neighborhoods. This consideration is ensured by the Site Review overlay district that shall remain.

The applicant invites scrutiny of the impact of this proposed development as the proposed development will improve the appearance of the existing neighborhood through the establishment of new housing stock that screens the existing low density residential development to the south from the more intensive commercial development that fronts on Maxwell.

Additionally, the result of this application is a likely reduction in traffic from the present district as evidenced by the TIA (Exhibit 8) provided as part of this application packet. The proposed development will be less impactful and more consistent with existing neighborhood character than the present planning and zoning districts.

The application is also in compliance with Policy A.17

A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location. (Metro Plan, III-A-9)

Approval of this application will help implement policy A.17. There are no vacant residential parcels of this size and zoning in the River Road subarea and there are only approximately six vacant acres in the River Road area. Approval of this application will provide an opportunity for a full range of choice in housing density, size cost and location as provided for in Policy A.17 as the subject property could also be developed with single family housing whereas presently, the only residential development that could occur on the subject property is multi-family housing.

In a similar fashion, the proposal promotes the concept set forth in policy A.20:

A.20 Encourage home ownership of all housing types, particularly low income households. (Metro Plan, III-A-9)

The proposed district will encourage home ownership. As noted, the likely result of this proposal is to develop the property with attractive single family residences at higher density and lower cost than the average new residential development within the City of Eugene. Approval will enable the development of the subject property with single family homes. At this time, the only residential development that could occur on the subject property is multi-family housing. Approval of the proposal will encourage home ownership and encourages home ownership more than the existing planning encourages home ownership.

The application will further implement this policy by providing a development ready site that will

likely be developed with no less than 35 single family residences at relatively affordable prices.

The application encourages home ownership.

As noted, strong support for the applicant's proposal is found in the housing element of the Metro Plan that is most relevant to this application. However, the proposal is also consistent with the following provisions of the Metro Plan:

24. To accomplish the fundamental Principle of compact urban growth addressed in the text and on the Metro Plan diagram, overall metropolitan wide density of new residential construction, but not necessarily each project, shall average six dwelling units per gross acre over the planning period. (Metro Plan, II-C-7)

Conditional zoning is not permissible, but the likely result of approval is development in compliance with the development standards set forth in the district which has a minimum density of 10 units per acre. This is in compliance with the compact growth management strategy and policy.

The application is also consistent with policy B.28.

B.28 Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood. (Metro Plan, III-B-28)

The applicant asserts this application recognizes the role of such facilities. The applicant did not propose to eliminate the commercial zoning on the subject property; the applicant proposes to reduce the commercially designated portion of the site to approximately 1.5 acres which is of a size a scale where the subject property may develop to provide such services. In its present configuration, the property has *failed entirely to provide any services at all to neighborhood residents for no less than 29 years.*

The elimination of the unified five acre requirement set forth in the adopted refinement plan language proposed as part of this group of applications is consistent with this Metro Plan policy. The five acre development requirement is inconsistent with the Metro Plan and is a factor preventing actual development of commercial services on this property or on other parcels within this area in contradiction this policy.

No policies are found to contradict the applicant's proposal and for this reason, the land use code amendment is consistent with the Metro Plan. The proposed amendment is also consistent with the refinement plan.

The application is consistent with the adopted plan policies with the exception of the policy (Policy 5) that is subject to the proposed refinement plan text amendment and land use code amendment, both part of this integrated group of applications.

The proposed application is also consistent with the refinement plan.

The applicant has ensured consistency with the refinement plan by amending the refinement diagram. (Exhibit 4) Specifically, the applicant proposes to change the diagram for the southern 7.21 acres of the development site from commercial to medium density residential.

The applicant has also proposed to amend the **text** of the *River Road Santa Clara Urban Facilities Plan* as follows:

~~Recommendation 5- Maintain the current commercial designation to the north of [T]he line which would be Howard Avenue if ever extended westerly~~ constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road. ~~Only commercial developments making unified use of five or more acres shall be allowed in the subarea.~~ [EC 9.9610(8)(d)], [RRSCUFP, 2-28, 1986]

These amendments ensure consistency with the applicable refinement plan. The proposal is also consistent with the remainder of the refinement plan. For example, the RRSCUFP provides:

1.0 Minimize land use conflicts by promoting compatibility between land uses (RRSCUFP 2-7)

The applicant's proposal will minimize conflicts between land uses. The proposed use will provide a substantial transitional zone between low density residential development and the commercial development in the "Maxwell commercial node." The applicant's proposal is fully compatible with existing neighborhood character and will reduce land use conflicts. The current planning designations create land use conflicts.

During the applicant's meetings with the neighborhood association concern was expressed over the scale of development that could occur on the subject property as presently planned. The types of development that can now occur as presently planned are viewed by the area residents as incompatible with the existing development in the area. Concern was expressed that the subject property could eventually house a relatively large scale commercial development and that the height allowances in the present planning districts would be incompatible with the existing single family nature of the neighborhood. (Exhibit 9, 10,11)

Neighborhood Association members were also concerned with the traffic impacts an 8.7 acre commercial development would have on the public elementary school situated directly across from the subject property. Concern was expressed that the higher levels of traffic from the commercial development are incompatible with the school because main access is going to be have to be provided off North Park essentially directly across from the school. Concern was also expressed over the scale bulk and height of the types of development that may occur on the site as presently planned. In the view of the Neighborhood Association and ours, present planning designations promote rather than minimize the land use conflicts because the present scale of the commercial designation is incompatible with existing development. (Exhibits 9, 10, 11)

The neighborhood association indicated unequivocal preference for the applicants proposed planning arrangements primarily because the applicant's proposal is deemed more compatible with existing land use. The Maxwell Road Mixed Use proposal will result in attractive, new, single family homes. This action minimizes conflicts and promotes compatibility.

The proposed code amendment is also consistent with the Residential Land Use element of the Refinement Plan:

The application is also consistent RRSCUFP Residential Land Use policies 1 and 2:

- 1.0 *Recognize and maintain the predominately low density residential character of the area consistent with the Metro Plan. (RRSCUFP, 2-14)*
- 2.0 *Provide a diversity of housing types in the area (RRSCUFP, 2-14)*

The application proposes a change to a medium density residential planning designation for seven acres of the site recognizing the predominately low density character of the area. The proposed planning designations are less impactful to and more protective of existing low density neighborhood character than the present designations.

At this time the only types of residential development that could occur on the site is multi-family dwellings. The proposal would permit single family residences more in keeping with the existing low density character of the neighborhood. Furthermore, the existing planning designation allows for the development of large scale commercial uses on the subject property that are not consistent with the predominately low density residential character of the area. Finally, as proposed a greater diversity of housing types shall be provided in the area.

- 5.0 *Permit medium density residential housing (10-20 dwelling units/acre) in proximity to existing or planned urban facilities. Access to commercial development, transit and open space should be considered (RRSCUFP, 2-15)*

The applicant has proposed medium density residential development in proximity to existing urban facilities in compliance with this policy. The Maxwell Road Mixed Use proposal has convenient access to commercial development, transit and open space. Briefly, the proposed residential district is in convenient proximity to commercial development in the “Maxwell Node” as well as on River Road. Within an approximately two mile radius there is a large amount of commercial development that could provide for a residents every need. Bicycle facilities are available nearby as is bus service on River Road. The airport is only three miles from the subject property and major transportation infrastructure such as OR 569 is only one mile away.

- 6.0 *New neighborhood commercial uses shall be located away from River Road in locations that facilitate the provision of commercial facilities scaled to a residential area and that allow for the dispersal of commercial uses throughout River Road-Santa Clara. (RRSCUFP 2-19)*

The applicant proposes to reduce the size of the existing commercial area for the reasons set forth in this policy. At present, the commercial area, while away from River Road is not scaled to a residential area. The site is too large for neighborhood commercial uses and is out of scale for the type of use intended to be accommodated.

The proposed 1.5 acre commercial area is of a size where it may actually serve the neighborhood better than an exceedingly large parcel as it is presently configured. As it is, the site will not support neighborhood scale commercial use as only unified developments making use of five or more acres are allowed in the sub area.

Any future development on the site will also be subject to the siting and development standards as recommended by the RRSCUFP which provides:

- 7.0 *Ensure compatibility between neighborhood commercial developments and the surrounding residential area by identifying and applying siting and development standards. (RRSCUFP, 2-19)*

The application is also consistent with refinement plan recommendation 2 for the subarea:

2. *Recommend development of medium density residential housing, while maintaining natural features, for neighborhood park and open space through clustering and site review. (RRSCUFP 2-28)*

The applicant's adjacent medium density residential development, Pennington Acres preserved the almost the entirety of the resource site present on the site and removed a bare minimum of trees, preserving open space and habitat values. The Site Review overlay district and the Water Resources Overlay zone have been retained consistent with this policy.

The application complies with subarea recommendation 3 as well which provides:

3. *Concentrate medium density development around the commercial node . . . (RRSCUFP 2-28)*

The applicant has proposed medium density residential development immediately adjacent to the commercial node in compliance with this refinement plan recommendation.

The applicant has proposed medium density residential development immediately adjacent to the commercial node in compliance with this policy.

The final criterion for a Land Use Code Amendment is set forth in EC 9.8065(3) and is inapplicable to this request.

9.8065 **Code Amendment Approval Criteria.** If the city council elects to act, it may by ordinance, adopt and amendment to this land use code that:

- (3) In the case of the establishment of a special area zone . . .

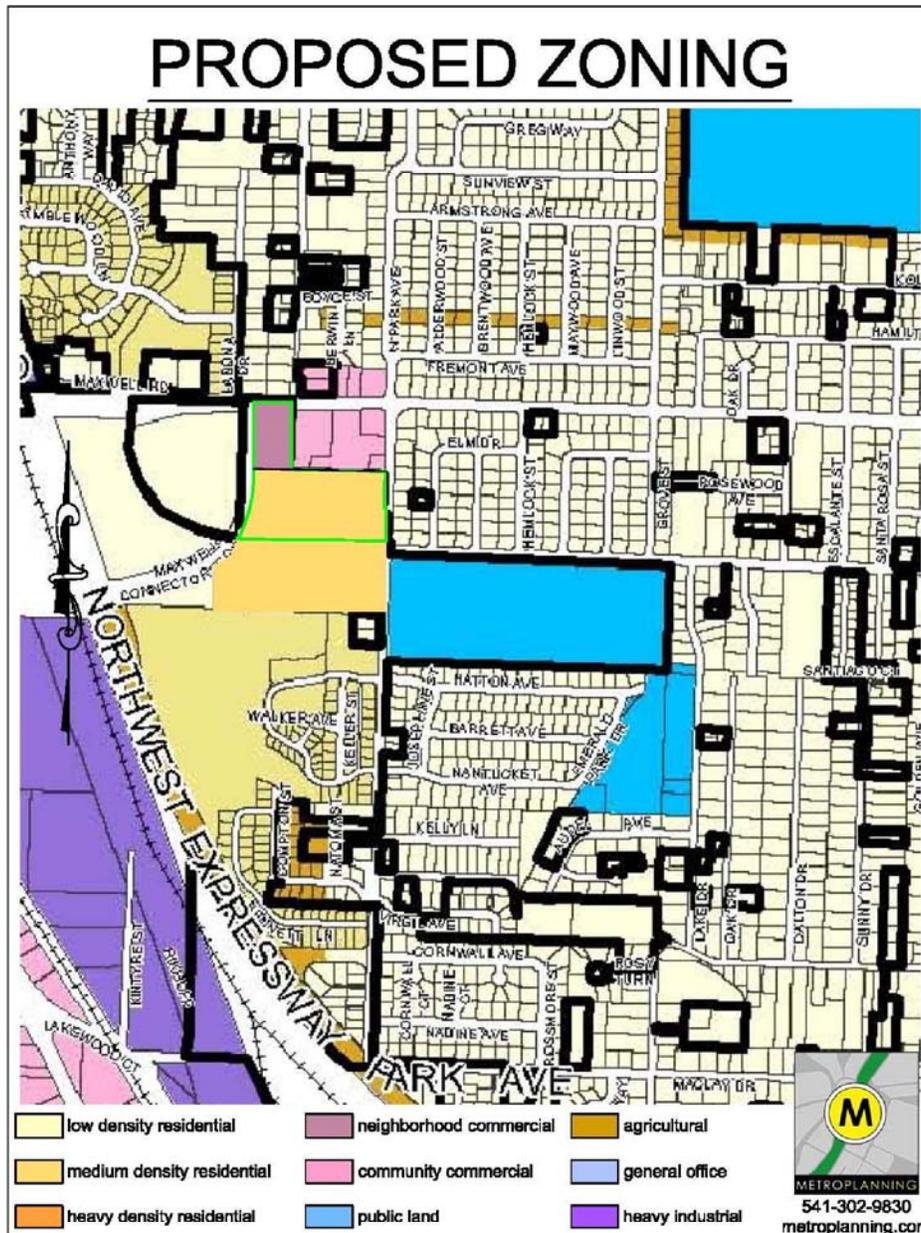
No establishment of any special area zone is proposed.

IV. Zone Change Application

The final application in this group of applications is the zone change application. The applicant is requesting that the subject property zoning be made consistent with the planning designations shown on the relevant plan diagram maps as amended.

The applicant proposes to change the zoning of the portion of the site zoned General Office with a Site Review and Water Resources Conservation Overlay Zone to Medium Density Residential with a Site

Review and Water Resources Conservation overlay zone and proposes to retain the zoning of the C-1 portion of the site as well as the Site Review Overlay Zone.



*** Visual Aid Only***

The Eugene development code provides in EC 9.8850 that with the implementation of the Metro Plan that there may be changes of zoning warranted. This application is processed concurrently with the Refinement Plan and Metro Plan amendments per the provisions of the Eugene Development Code. EC 9.8865 sets forth the substantive criteria of approval:

9.8865 Zone Change Approval Criteria.

Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

- (1) The proposed change is consistent with the 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.
- (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.
- (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.
- (4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone
 - (a) EC 9.2150 Commercial Zone Siting Requirements.

A. The proposed zone change is consistent with the applicable provisions of the Metro Plan

The applicant's proposal to change the zoning of the subject property is consistent with the applicable portions of the Metro Plan. The applicant has amended the Metro Plan as proposed in Exhibit 2, thus the proposed zoning district (R-2) is consistent with the Metro Plan designation of MDR (R-2).

In fact, the proposal is consistent with the growth management goals set forth in the Metro Plan, addresses issues set forth in Metro Plan findings and is consistent with all applicable Metro Plan policies. No policies directly conflict with this proposal.

The proposal is entirely consistent with the Metro Plan and closely implements the policies of the Metro Plan as well as achieving growth management goals. Approval of the concurrent metro plan diagram amendment will resolve any inconsistency based on the diagram though where such inconsistencies exist, the text of the Metro Plan is controlling.

Goals are not mandatory approval criteria, but they do inform deliberative bodies as they make choices about the proper implementation of the Metro Plan. The development is consistent with the goals set forth in the Metro Plan as well as Metro Plan policies for which compliance is mandatory.

The applicant's proposal is consistent with the following Metropolitan Goals:

*Metropolitan Goals**Growth management*

2. *Use urban, urbanizable and rural lands efficiently. (Metro Plan, II-B-1)*

The applicant's proposal makes efficient use of urban land. The present zoning designation are not efficient. This urban parcel is vacant despite being the only parcel of its size, type and location in the River Road area. The reason for this is relatively simple. The parcel is miszoned.

The subject property has none of the attributes that make a parcel desirable for commercial development. Concurrently, there is unmet demand for additional residential development in this area and in the city of Eugene generally. The more efficient use of this parcel is to utilize it for residential development that city planning documents acknowledge is in great demand rather than reserve the parcel for commercial development that could conceivably occur at some point in the remote future if the conditions that could make this site desirable from a commercial development standpoint somehow exist sometime in the future. Alternately, this body could utilize this land to help alleviate a known, existing problem.

The applicant's proposal is also in compliance with Metropolitan housing goals such as:

Residential Land Use and Housing

1. Provide viable residential communities so all residents sound, affordable housing that meets individual needs. (Metro Plan, III-A-2)

The proposal will assist in the creation of a viable residential community meeting individual needs. The ultimate result of approval of this application will be the development of sound new housing stock in an existing residential neighborhood. Housing of this size and type in this location is inevitably relatively affordable and will help serve and meet individual needs.

Most importantly, the application is in compliance with the following policies set forth in the Metro Plan:

Residential Land Use and Housing Element

A.4 Use annexation, provision of public facilities and services, rezoning, redevelopment and infill to meet 20-year projected housing demand. (Metro Plan III-A-5)

This proposal is consistent with this policy. The applicant is requesting that the City accommodate housing needs through the rezoning process as the majority if this property is far more suitable for residential use rather than commercial use. The end result of this process will be the infill development of a presently vacant and underutilized parcel helping to meet existing housing demand.

The proposal is consistent with policy A.10 which provides:

A.10 Promote higher density residential development within the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves natural resource lands outside the UGB. (Metro Plan, III-A-6)

The applicant is proposing to utilize majority of the property for higher density residential development on the subject property. This development will utilize existing infrastructure in compliance with this policy.

To the extent that it is applicable, this application reduces pressure to expand residential uses onto land outside the UGB as this presently vacant and underdeveloped parcel will provide housing for many area residents.

The application is also consistent with Housing Element policy A.11:

A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation efficient nodes. (Metro Plan III-A-6)

The subject property meets the siting guidance set forth in this policy. The proposed higher density residential district is located near commercial services. The area around the proposed development serves as a major center for the provision of goods and services. River Road itself is highly developed with retail and commercial services. The area immediately north of the overpass of OR 569 and River road is a major destination for commercial services. (Exhibit 12) Additionally, the proposed development is in close proximity to OR 569 and River Road, major transportation systems.

The applicant's proposal is also in compliance with policy A.12:

A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space and other urban amenities. (Metro Plan III-A-7)

The proposed higher density residential development is located conveniently close to adequate infrastructure and services, open space and other urban amenities. The subject property is adjacent to Maxwell, Maxwell Connector and North Park. The subject property is also suitably close to other urban amenities. Howard Elementary, Kelly Middle and North Eugene High School are in the vicinity. Other urban amenities such as Saint Mary's Catholic Church and a post office are suitably close by. The Mahlon-Sweet airfield is approximately three miles from the subject property. Additionally, open space is conveniently available; Walnut Grove Park is conveniently close to the subject property. Also nearby is the bicycle path along the Willamette River providing convenient access to the green corridor located along the river.

The proposal also complies with policy A.13:

A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed infill, redevelopment and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods. (Metro Plan III-A-7)

The Maxwell Road Mixed Use proposal will increase overall residential density by creating an opportunity for effectively designed in-fill and mixed use. The Maxwell Road Mixed use proposal is an opportunity to promote increased residential density with a mixed use element in an existing neighborhood. The increase in density will be highly compatible with existing development. The Maxwell Road Mixed Use development site meets the definition of mixed use as there is more than one zoning district. The majority of the vacant and underutilized site will develop with attractive, new, desirable medium density residential development that considers the impact of increased density on existing neighborhoods and any new commercial development will be at a neighborhood scale that is sensitive to neighborhood character.

The applicant invites this scrutiny of the impact of this development as the proposed development will improve the appearance of the existing neighborhood through the development of new housing stock that screens the existing low density residential development to the south from the more intensive commercial development that fronts on Maxwell. Additionally, the result of this application is a likely

reduction in traffic from the present district as evidenced by the TIA from Ms. Sandow provided as part of this application packet. (Exhibit 8) The proposed development will be less impactful and more consistent with existing neighborhood character than the present planning and zoning districts.

The application is also in compliance with Policy A.17

A.17 Provide opportunities for a full range of choice in housing type, density, size, cost and location. (Metro Plan III-A-9)

Approval of this application will help implement policy A.17. There are no vacant residential parcels of this size and proposed zoning in the River Road subarea. Approval of this application will provide an opportunity for a full range of choice in housing density, size cost and location as provided for in Policy A.17 because the subject property could also be developed with single family detached housing whereas at this time, the only residential development that could occur on the subject property is attached multi-family housing.

In a similar fashion, the proposal promotes the concept set forth in policy A.20:

A.20 Encourage home ownership of all housing types, particularly low income households.

The proposed zoning district will encourage home ownership. As noted, the likely result of this proposal is to develop the property with attractive single family residences at higher density and lower cost than the average new residential development within the City of Eugene as approval will enable the development of the subject property with single family homes. At this time, the only residential development that could occur on the subject property is attached housing. The proposal will allow for greater diversity of housing types on the subject property. The approval of the proposal will encourage home ownership.

The application will further implement this policy by providing a development ready site that will likely be developed with no less than 35 single family residences at relatively affordable prices.

In other words, the application encourages home ownership.

As noted, strong support for the applicant's proposal is found in the housing element of the Metro Plan that is most relevant to this application. However, the proposal is also consistent with the following provisions of the Metro Plan:

24. To accomplish the fundamental Principle of compact urban growth addressed in the text and on the Metro Plan diagram, overall metropolitan wide density of new residential construction, but not necessarily each project, shall average six dwelling units per gross acre over the planning period. (II-C-7)

As noted, conditional zoning is not permissible but the likely result of approval is development in compliance with the development standards set forth in the district. This is in compliance with the compact growth management strategy and policy.

The application is also consistent with policy B.28 though at first glance it would appear otherwise.

B.28 Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood. (Metro Plan, III-B-28)

The applicant asserts this application does recognize the role that such facilities serve. The applicant did not propose to eliminate the commercial zoning on the subject property, rather, the applicant proposes to reduce the commercially designated and portion of the site to approximately 1.7 acres which is of a size a scale where the subject property may develop to provide such services at it has failed entirely to provide any services at all to neighborhood residents for no less than 29 years. The application is in compliance with the applicable provisions of the Metro Plan. No conflict exists.

B The proposed zone change is consistent with the applicable refinement plan

The application is consistent with the refinement plan policies with the exception of the policy that is subject to the refinement plan text amendment.

The applicant has ensured consistency with the refinement plan by amending the refinement diagram. The applicant proposes to change the diagram for the southern 7.21 acres of the development site from commercial to medium density residential. (Exhibit 4)

Specifically, the applicant has also proposed to amend the **text** of the *River Road Santa Clara Urban Facilities Plan* as follows:

~~Recommendation 5- Maintain the current commercial designation to the north of [T]he line which would be Howard Avenue if ever extended westerly~~ constituting the limit of the depth of the commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the center line of Maxwell Road. ~~Only commercial developments making unified use of five or more acres shall be allowed in the subarea.~~ [RRSCUFP, 2-28, 1986]

The proposed application is consistent with the following refinement plan policies:

- 1.0 Minimize land use conflicts by promoting compatibility between land uses (RRSCUFP 2-7)*

The applicant's proposal will minimize conflicts between land uses. The proposed use will provide a substantial transitional zone between low density residential development and the commercial development in the "Maxwell node"

The application is also consistent with the following Residential and Land Use policies:

- 1.0 Recognize and maintain the predominately low density residential character of the area consistent with the Metro Plan. (RRSCUFP, 2-14)*
- 2.0 Provide a diversity of housing types in the area (RRSCUFP, 2-14)*

While the application proposed a medium density residential zoning, it is generally consistent with this policy. While not controlling, the applicant intends to develop the subject property with single family homes that will be consistent with the predominately low density character of the area. Furthermore, the proposed zoning district is less impactful to and more protective of existing neighborhood character

than the development of the site with a seven acre commercial or multi-family development. As proposed, the applicant will be able to better maintain the existing neighborhood character while at the same time developing this vacant, leapfrogged and underutilized parcel.

- 5.0 *Permit medium density residential housing (10-20 dwelling units/acre) in proximity to existing or planned urban facilities. Access to commercial development, transit and open space should be considered . . . (RRSCUFP, 2-15)*

The applicant has proposed medium density residential development in proximity to existing urban facilities in compliance with this policy. Access to commercial development, transit and open space are considered. Briefly, the proposed residential district is in convenient proximity to commercial development in the “Maxwell Node.” Within an approximately one mile radius there is a large amount of commercial development that could provide for a residents every need. (Exhibit 12) Bicycle facilities are nearby as is bus service on River Road. The airport is only three miles from the subject property and major transportation infrastructure such as OR 569 is only one mile away.

The application is consistent with the policies set forth in the Commercial and Industrial Land Use Element of the RRSCUFP which provides:

- 6.0 *New neighborhood commercial uses shall be located away from River Road in locations that facilitate the provision of commercial facilities scaled to a residential area and that allow for the dispersal of commercial uses throughout River Road-Santa Clara. (RRSCUFP 2-19)*

The applicant proposes to reduce the size of the existing commercial area for the reasons set forth in this recommendation. At present, the commercial area, while away from River Road is not scaled to a residential area. The site is too large for neighborhood commercial uses and is out of scale for the type of use intended to be accommodated. The proposed 1.5 acre commercial area is at a size where it may actually serve the neighborhood better than an exceedingly large parcel as it is in its present configuration. As it is, the site will not support neighborhood scale commercial use as only unified developments making use of five or more acres are allowed in the Maxwell Road area (RRSCUFP, Subarea E, Maxwell Road)

Any future development on the site will also be subject to the siting and development standards as set forth in the RRSCUFP which provides:

- 7.0 *Ensure compatibility between neighborhood commercial developments and the surrounding residential area by identifying and applying siting and development standards. (RRSCUFP, 2-19)*

The Site Review Overlay has been retained. The RRSCUFP also contains a set of recommendations specific to the area (subarea E) in which the subject property is located. The proposal is consistent with those recommendations. Recommendation 2 provides:

2. *Recommend development of medium density residential housing, while maintaining natural features, for neighborhood park and open space through clustering and site review. (RRSCUFP 2-28)*

The applicant has retained the Site Review Overlay zone and Water Resources Overlay zone consistent with this policy.

The application complies with recommendation 3 of the RRSCUFP Subarea E as well which provides:

3. *Concentrate medium density development around the commercial node . . . (RRSCUFP 2-28)*

The applicant has proposed medium density residential development immediately adjacent to the commercial node in compliance with this refinement plan recommendation.

The applicant has proposed medium density residential development immediately adjacent to the commercial node in compliance with this policy.

The application acknowledges changes in circumstances that have occurred since adoption of the plan. These changes include the large amount of residential development that has occurred in the city of Eugene and this area since 1986. The zone change addresses in part, the ever diminishing supply of vacant residential land that is unconstrained and ready for development.

The proposed zoning recognizes market realities and forces by reducing the commercial portion of the site to a scale that may actually develop and provide the contemplated uses honoring the intent of the refinement plan. The zoning also honors the refinement plan by preserving the primarily low density nature of the River Road area. It also provides screening and a transitional zoning district between the low density zones and the higher visual impact imposed by the commercial node. The proposal also recognizes the importance and vitality of the commercial node while striking a more appropriate balance between residential and commercial use on this site.

C. The proposed district may be served through the orderly extension of urban services

The site is in an area fully serviced by urban infrastructure adequate for the proposed zoning districts.

North Park will be half improved on the west side of the street adjacent to the development site as part of the approved Pennington Acres subdivision directly to the south. All other utilities with adequate capacity to serve the site have been or will be stubbed to the site again as part of the Pennington Acres subdivision. The site is encircled by a water line. Stormwater will be detained and meted out at pre-development rates.

D. The proposed zoning districts are consistent with the applicable zone siting standards

The applicant has requested a change in zoning from the General Office to Medium Density Residential District. As such, the applicant is required to address the siting standards for the Medium Density Residential district. There are no specific siting standards for the district and as such, this criterion is met.

V. Conclusion

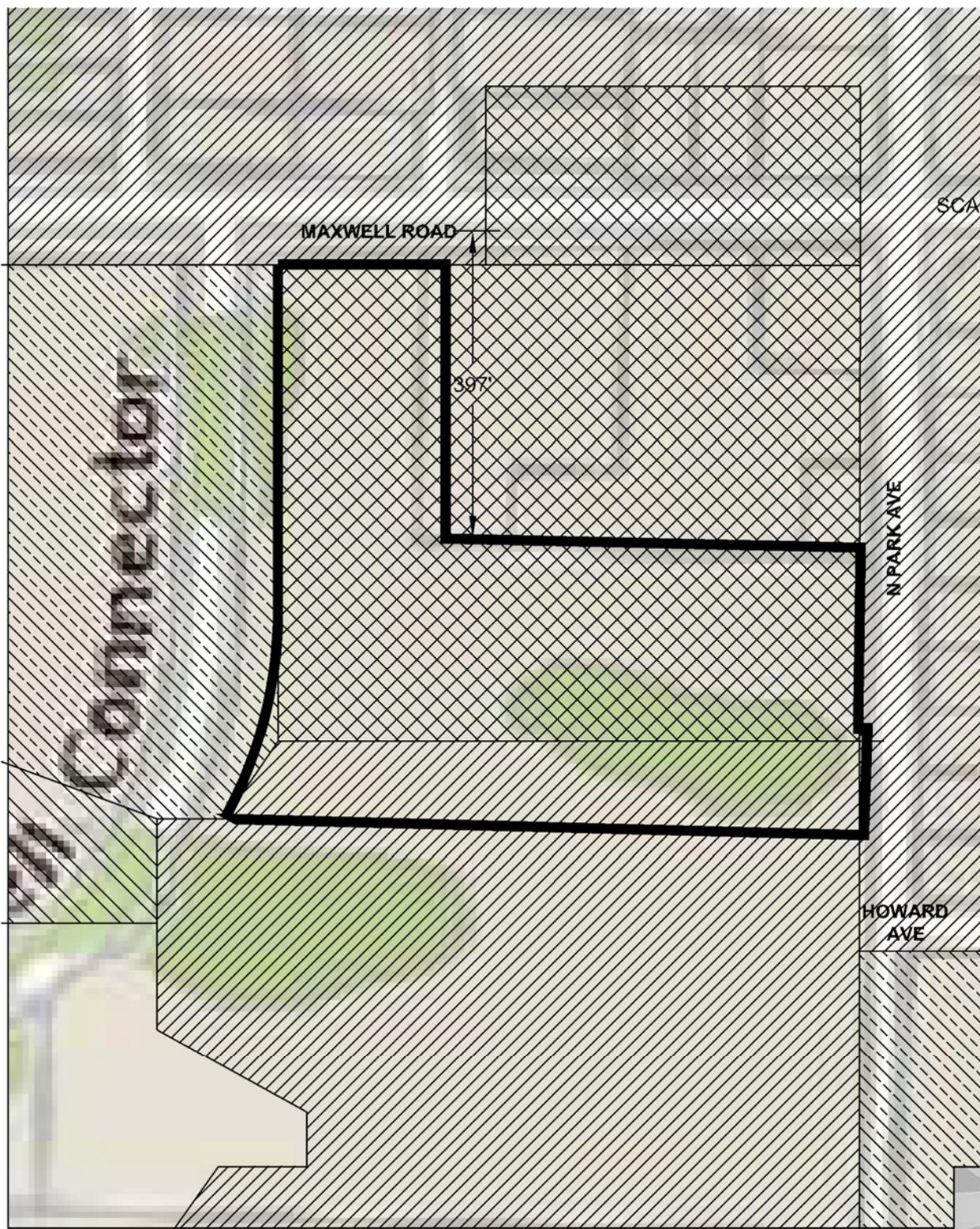
For the reasons set forth in these applications demonstrating that the proposed use is a better more efficient use of urban land and in greater compliance with growth management principles, the Metro

Plan, Statewide Planning goals, City of Eugene policies and further that the proposed district addresses a more urgent need with greater unmet demand than the present district the applicant requests approval of this proposal.

Existing Metro Plan



SCALE: 1" = 200'



- C- commercial
- M- medium density residential
- subject property
- E- government & education
- P- parks & open spaces

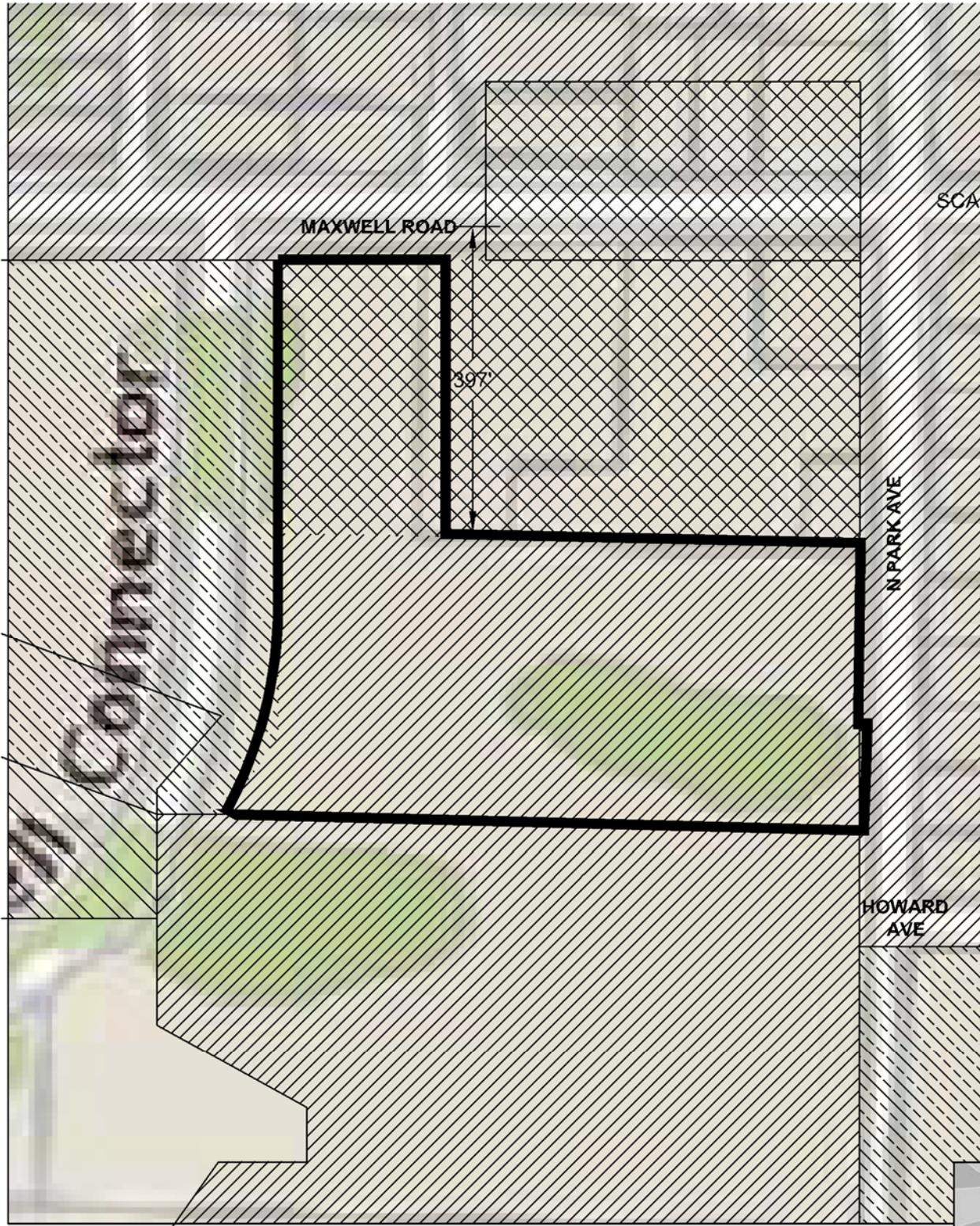


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Proposed Metro Plan



SCALE: 1" = 200'



- | | | |
|---|---|---|
|  C- commercial |  M- medium density residential |  subject property |
|  E- government & education |  P- parks & open spaces | |



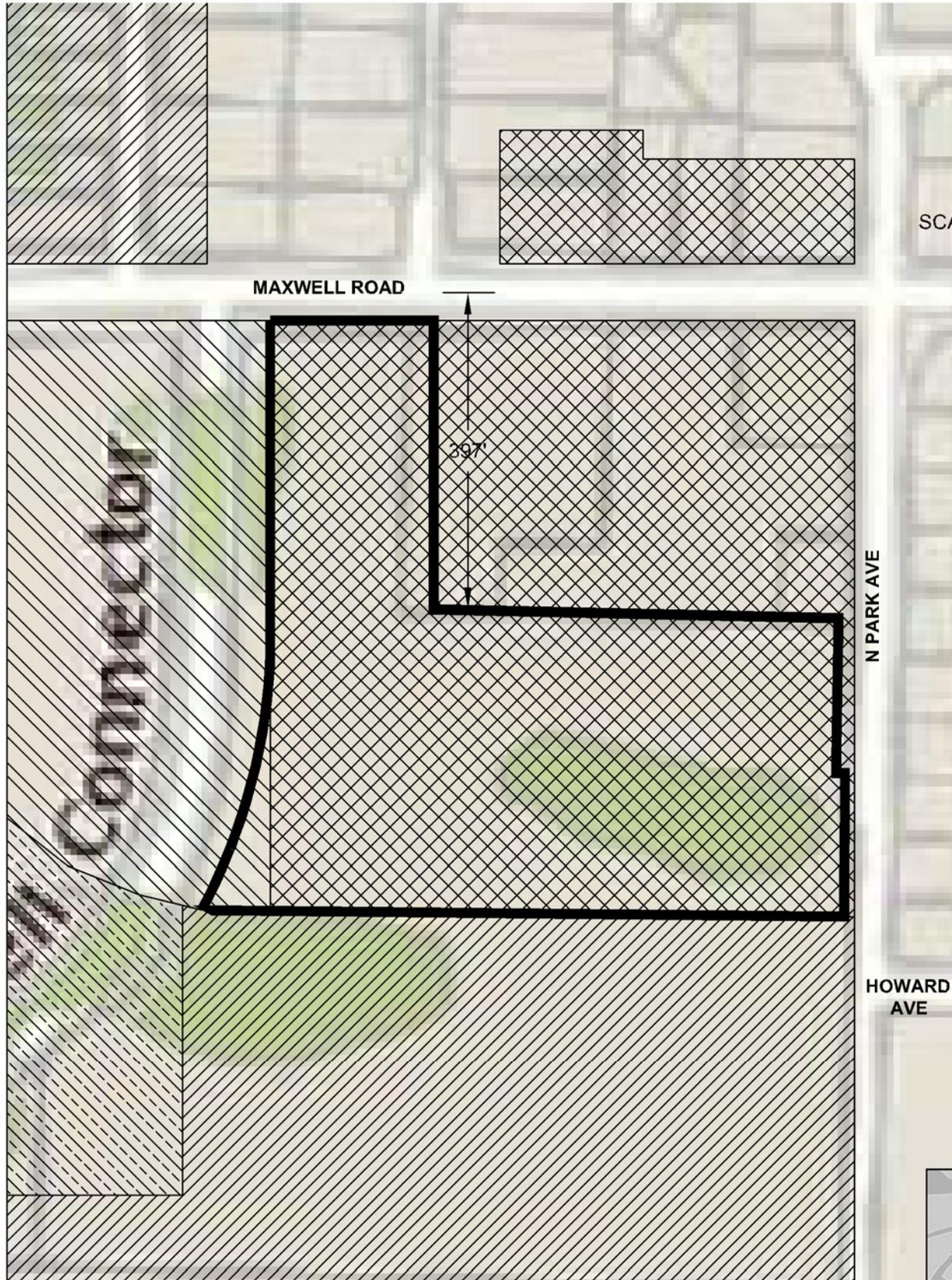
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Existing Refinement Plan Designation

subarea (e)



SCALE: 1" = 200'



- government & education
- medium density residential
- subject property
- commercial
- parks & open space



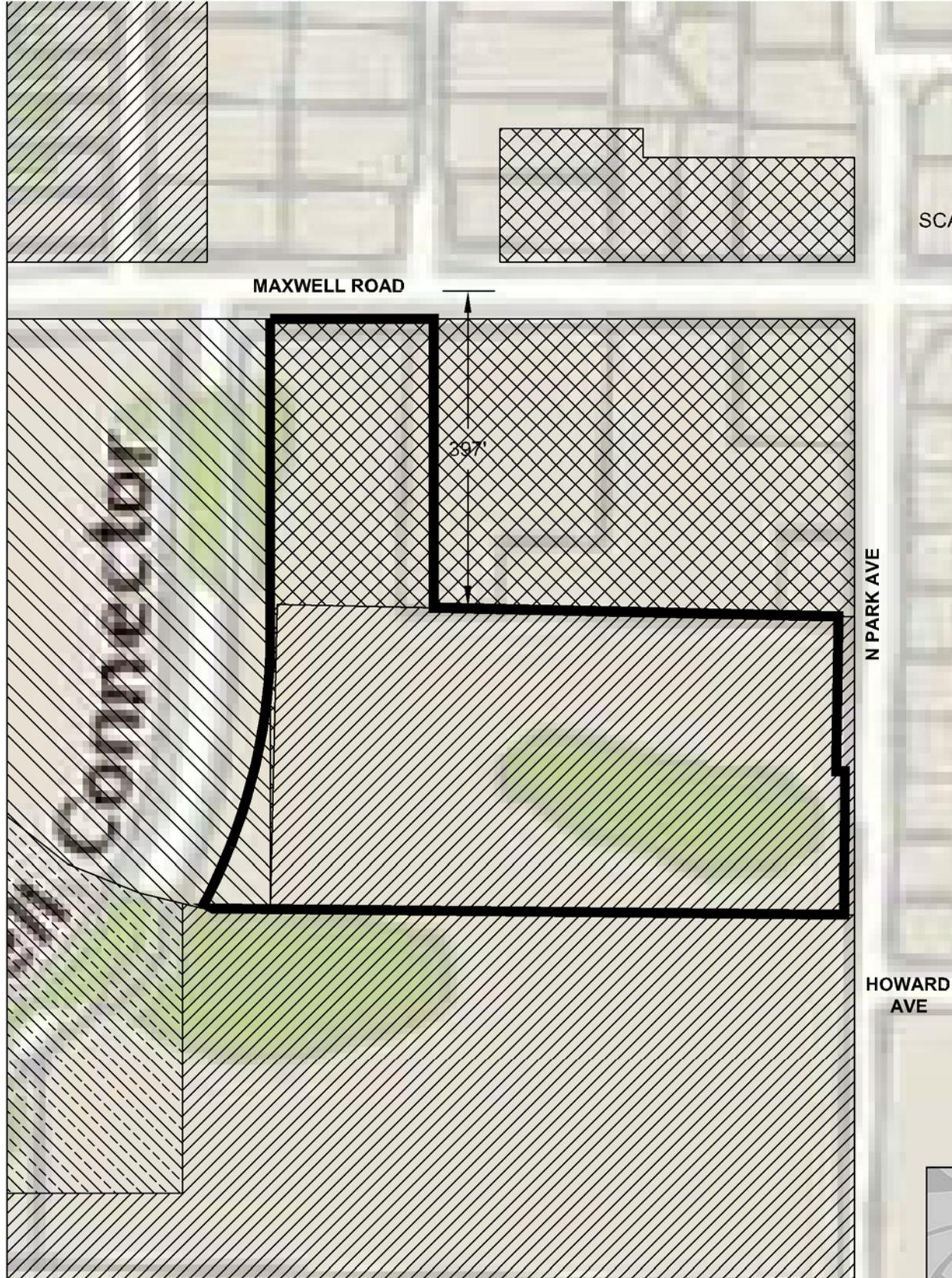
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Proposed Refinement Plan Designation

subarea (e)



SCALE: 1" = 200'



- government & education
- medium density residential
- subject property
- commercial
- parks & open space



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Existing Zoning



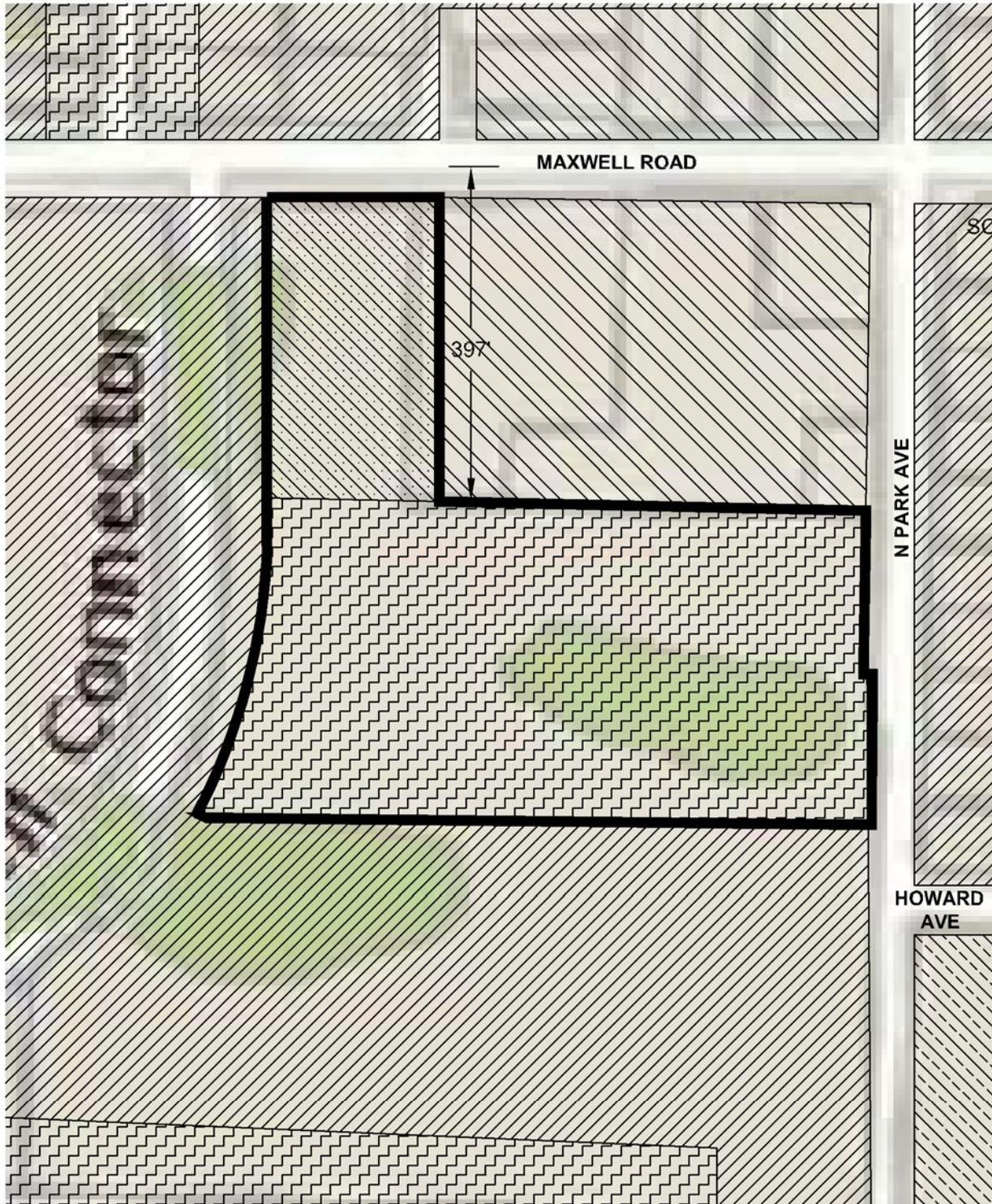
SCALE: 1" = 200'

- | | | |
|--|---|---|
|  low density residential |  neighborhood commercial |  subject property |
|  medium density residential |  community commercial | |
|  general office |  public land | |



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Proposed Zoning



SCALE: 1" = 200'

- | | | |
|--|---|---|
|  low density residential |  neighborhood commercial |  subject property |
|  medium density residential |  community commercial | |
|  general office |  public land | |



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GOAL 5 MAP



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Riparian and Upland Wildlife Habitat Sites	
	Designated for protection, 100' setback (Category A)
	Designated for protection, 60' setback (Category B)
	Designated for protection, 40' setback (Category C)
	Designated for protection, 20' setback (Category D)
	Designated for protection, no setback (Category E)
	Not designated for protection
Wetland Sites	
	Designated for protection, 50' setback (Category A)
	Designated for protection, 25' setback (Category B)
	Designated for protection, no setback (Category C)
	Not designated for protection

SITENAME	SITE LABEL	SUB-SITE LABEL	TYPE	ACRES	ESEE CONCLUSION	PROPOSED PROTECTION LEVEL*	PROPOSED SETBACK (Feet from JWB)**	ESEE CONCLUSIONS MAP NUMBER
Amazon Creek wetland at Royal	BD-9	BD-9E7	W	0.44	Limit Conflicting Uses	Category C Wetland	0	5
Royal Avenue wetlands	BD-10	BD-10A1	W	0.30	Fully Allow Conflicting Uses	None	0	
Royal Avenue wetlands	BD-10	BD-10A2	W	1.13	Limit Conflicting Uses	Category C Wetland	0	5
Royal Avenue wetlands	BD-10	BD-10A3	W	0.51	Fully Allow Conflicting Uses	None	0	
Royal Avenue wetlands	BD-10	BD-10A4	W	2.10	Limit Conflicting Uses	Category C Wetland	0	5
Royal Avenue wetlands	BD-10	BD-10B	W	3.31	Fully Allow Conflicting Uses	None	0	
Royal Avenue wetlands	BD-11	BD-11	W	0.57	Fully Allow Conflicting Uses	None	0	
Bethel-Danebo wetland at Beltline	BD-13	BD-13	W	2.66	Fully Allow Conflicting Uses	None	0	
Bethel-Danebo wetland at Beltline	BD-15	BD-15	W	0.63	Fully Allow Conflicting Uses	None	0	
Bethel-Danebo wetland at Beltline	BD-16	BD-16	W	1.97	Fully Allow Conflicting Uses	None	0	
Bethel-Danebo wetland at Beltline	BD-17	BD-17	W	1.01	Fully Allow Conflicting Uses	None	0	
Empire Pond wetland	BD-20	BD-20	W	1.84	Limit Conflicting Uses	Category B Wetland	25	3
Taney Waterway wetland	BD-21	BD-21	W	0.73	Fully Allow Conflicting Uses	None	0	
NW Exp'wy Pond/Railroad wetland	BD-22	BD-22	W	5.31	Limit Conflicting Uses	Category B Wetland	25	3
Prairie Rd/Hwy 99	RSC-1	RSC-1	W	11.44	Fully Allow Conflicting Uses	None	0	
A-1 Channel wetland	RSC-2	RSC-2A	W	8.20	Limit Conflicting Uses	Category B Wetland	25	2
A-1 Channel wetland	RSC-2	RSC-2C	W	0.24	Fully Allow Conflicting Uses	None	0	
A-1 Channel wetland	RSC-2	RSC-2B	W	3.08	Limit Conflicting Uses	Category B Wetland	25	2
Prairie Rd/Hwy 99 wetlands	RSC-5	RSC-5	W	10.44	Fully Allow Conflicting Uses	None	0	
Prairie Rd/Hwy 99 wetlands	RSC-6	RSC-6	W	2.57	Fully Allow Conflicting Uses	None	0	
Prairie Rd/Hwy 99 wetlands	RSC-8	RSC-8	W	0.90	Fully Allow Conflicting Uses	None	0	
Prairie Rd/Hwy 99 wetlands	RSC-9	RSC-9	W	0.57	Fully Allow Conflicting Uses	None	0	
Prairie Rd/Hwy 99 wetlands	RSC-10	RSC-10A	W	1.72	Fully Allow Conflicting Uses	None	0	
Prairie Rd/Hwy 99 wetlands	RSC-10	RSC-10B	W	3.67	Fully Allow Conflicting Uses	None	0	
Prairie Rd/Hwy 99 wetlands	RSC-12	RSC-12	W	6.10	Fully Allow Conflicting Uses	None	0	
Prairie Rd/Hwy 99 wetlands	RSC-15	RSC-15	W	1.04	Fully Allow Conflicting Uses	None	0	
Prairie Rd/Hwy 99 wetlands	RSC-16	RSC-16	W	0.84	Fully Allow Conflicting Uses	None	0	
Prairie Rd/Hwy 99 wetlands	RSC-17	RSC-17	W	15.16	Fully Allow Conflicting Uses	None	0	
A-1 Side Channel	RSC-18	RSC-18	W	2.77	Fully Allow Conflicting Uses	None	0	
Highway 99/McDougal Pond wetlands	RSC-20	RSC-20	W	1.86	Limit Conflicting Uses	Category B Wetland	25	3
Highway 99/McDougal Pond wetlands	RSC-21	RSC-21	W	2.38	Limit Conflicting Uses	Category B Wetland	25	3
Wetland at Lancaster	RSC-22	RSC-22	W	1.27	Fully Allow Conflicting Uses	None	0	
North Flat Creek wetlands	RSC-23	RSC-23A	W	0.33	Limit Conflicting Uses	Category B Wetland	25	2
North Flat Creek wetlands	RSC-23	RSC-23B	W	0.10	Limit Conflicting Uses	Category B Wetland	25	2
North Flat Creek wetlands	RSC-23	RSC-23C	W	0.80	Limit Conflicting Uses	Category B Wetland	25	2
North Flat Creek wetlands	RSC-23	RSC-23D	W	0.09	Limit Conflicting Uses	Category B Wetland	25	2
North Flat Creek wetlands	RSC-23	RSC-23E	W	0.35	Limit Conflicting Uses	Category B Wetland	25	2
North Flat Creek wetlands	RSC-23	RSC-23F	W	2.06	Limit Conflicting Uses	Category B Wetland	25	2
North Flat Creek wetlands	RSC-23	RSC-23G	W	0.69	Limit Conflicting Uses	Category B Wetland	25	2
North Flat Creek wetlands	RSC-23	RSC-23H	W	0.11	Fully Allow Conflicting Uses	None	0	
North Flat Creek wetlands	RSC-25	RSC-25	W	1.73	Limit Conflicting Uses	Category B Wetland	25	2
Prairie Rd/Hwy 99 wetlands	RSC-26	RSC-26A	W	0.04	Fully Allow Conflicting Uses	None	0	
Prairie Rd/Hwy 99 wetlands	RSC-26	RSC-26B	W	0.90	Fully Allow Conflicting Uses	None	0	
Prairie Rd/Hwy 99 wetlands	RSC-27	RSC-27	W	0.63	Fully Allow Conflicting Uses	None	0	
Middle Flat Creek wetlands	RSC-28	RSC-28A	W	0.77	Limit Conflicting Uses	Category B Wetland	25	3
Middle Flat Creek wetlands	RSC-28	RSC-28B	W	3.45	Limit Conflicting Uses	Category B Wetland	25	3
Middle Flat Creek wetlands	RSC-28	RSC-28C	W	2.59	Limit Conflicting Uses	Category B Wetland	25	3
Middle Flat Creek wetlands	RSC-29	RSC-29	W	3.53	Limit Conflicting Uses	Category A Wetland	50	3
NW Expressway Pond/Diana's Pond wetland	RSC-30	RSC-30A	W	11.33	Limit Conflicting Uses	Category A Wetland	50	3
NW Expressway Pond/Diana's Pond wetland	RSC-30	RSC-30B	W	0.78	Fully Allow Conflicting Uses	None	0	
South Flat Creek wetland	RSC-32	RSC-32	W	2.70	Fully Allow Conflicting Uses	None	0	
Middle Flat Creek wetland	RSC-33	RSC-33A-B	W	2.89	Limit Conflicting Uses	Category B Wetland	25	3
Middle Flat Creek wetland	RSC-34	RSC-34	W	1.18	Fully Allow Conflicting Uses	None	0	
Spring Creek wetlands	RSC-35	RSC-35	W	1.69	Limit Conflicting Uses	Category B Wetland	25	1
Spring Creek wetlands	RSC-36	RSC-36	W	2.20	Limit Conflicting Uses	Category A Wetland	50	1
Spring Creek wetlands	RSC-37	RSC-37A	W	0.38	Limit Conflicting Uses	Category A Wetland	50	1
Spring Creek wetlands	RSC-37	RSC-37B-C	W	0.60	Limit Conflicting Uses	Category B Wetland	25	1
Spring Creek wetlands	RSC-37	RSC-37D	W	0.12	Fully Allow Conflicting Uses	None	0	
Spring Creek wetlands	RSC-38	RSC-38	W	5.64	Limit Conflicting Uses	Category B Wetland	25	1
Spring Creek wetlands	RSC-39	RSC-39	W	0.61	Fully Allow Conflicting Uses	None	0	
East Santa Clara Waterway wetland	RSC-40	RSC-40	W	1.56	Limit Conflicting Uses	Category A Wetland	50	1, 3
Willow Creek wetland	WC-1	WC-1	W	1.38	Limit Conflicting Uses	Category A Wetland	50	6
Patterson Slough wetland	WKZ-1	WKZ-1A	W	1.71	Limit Conflicting Uses	Category A Wetland	50	13
Patterson Slough wetland	WKZ-1	WKZ-1B	W	2.40	Limit Conflicting Uses	Category A Wetland	50	13
Ayres Pond wetland	WKZ-2	WKZ-2	W	0.48	Limit Conflicting Uses	Category A Wetland	50	13
Green Acres wetland	WKZ-3	WKZ-3	W	1.00	Limit Conflicting Uses	Category B Wetland	25	13
Goodpasture wetlands	WKZ-4	WKZ-4	W	6.58	Limit Conflicting Uses	Category A Wetland	50	13
Goodpasture wetlands	WKZ-5	WKZ-5A	W	3.61	Limit Conflicting Uses	Category A Wetland	50	13
Goodpasture wetlands	WKZ-5	WKZ-5B	W	1.75	Limit Conflicting Uses	Category A Wetland	50	13
Goodpasture wetlands	WKZ-5	WKZ-5C	W	2.35	Limit Conflicting Uses	Category A Wetland	50	13

ESEE Conclusions Summary Table - Riparian Corridor Sites

9/1/05

SITENAME	SITE LABEL	SUB-SITE LABEL	TYPE	ACRES	ESEE CONCLUSION	PROPOSED PROTECTION LEVEL*	PROPOSED SETBACK (Feet from TOB)**	ESEE CONCLUSIONS MAP NUMBER
Amazon Channel Natural/Urban	E30	E30 A	R	14.14	Limit Conflicting Uses	Stream Category B	60	5
Amazon Channel Natural/Urban	E30	E30 B	R	5.19	Limit Conflicting Uses	Stream Category B	60	5
Amazon Channel Natural/Urban	E30	E30 D	R	11.37	Limit Conflicting Uses	Stream Category B	60	10
Amazon Channel Natural/Urban	E30	E30 E	R	9.12	Limit Conflicting Uses	Stream Category B	60	10
Amazon Channel Natural/Urban	E30	E30 F	R	1.69	Limit Conflicting Uses	Stream Category E	0	10
Amazon Channel Natural/Urban	E30	E30 G	R	2.95	Limit Conflicting Uses	Stream Category E	0	10
Amazon Channel Natural/Urban	E30	E30 H	R	10.48	Limit Conflicting Uses	Stream Category B	60	10
Glenwood Slough	E39	E39	R	0.10	Fully Allow Conflicting Uses	None	0	
Riverfront Park	E40	E40	R	16.85	Limit Conflicting Uses	Stream Category C	40	13
Alton Baker (Riparian)	E42	E42 A-1	R	6.75	Limit Conflicting Uses	Stream Category E	0	13
Alton Baker (Riparian)	E42	E42 A-2	R	9.67	Limit Conflicting Uses	Stream Category C	40	13
Alton Baker (Riparian)	E42	E42 A-3	R	13.75	Limit Conflicting Uses	Stream Category C	40	13
Alton Baker (Riparian)	E42	E42 A-4	R	15.58	Limit Conflicting Uses	Stream Category C	40	13
Alton Baker (Riparian)	E42	E42 A-5	R	10.59	Limit Conflicting Uses	Stream Category C	40	13
Alton Baker (Riparian)	E42	E42 B	R	22.32	Limit Conflicting Uses	Stream Category C	40	13
Alton Baker (Riparian)	E42	E42 C-1	R	2.46	Limit Conflicting Uses	Stream Category C	40	13
Alton Baker (Riparian)	E42	E42 C-2	R	6.84	Limit Conflicting Uses	Stream Category D	20	13
Alton Baker (Riparian)	E42	E42 C-3	R	9.82	Limit Conflicting Uses	Stream Category D	20	13
Alton Baker (Riparian)	E42	E42 C-4	R	1.68	Fully Allow Conflicting Uses	None	0	
Ascot Park	E45	E45 A	R	2.70	Fully Allow Conflicting Uses	None	0	
Ascot Park	E45	E45 B	R	0.48	Fully Allow Conflicting Uses	None	0	
Ascot Park	E45	E45 C	R	0.80	Fully Allow Conflicting Uses	None	0	
Ascot Park	E45	E45 D	R	5.29	Fully Allow Conflicting Uses	None	0	
Beltline Drainage Channel	E48	E48 A1	R	0.45	Fully Allow Conflicting Uses	None	0	
Beltline Drainage Channel	E48	E48 A2	R	3.80	Fully Allow Conflicting Uses	None	0	
Ayres Pond/Dodson Slough	E48	E48 B-1	R	1.59	Limit Conflicting Uses	Stream Category C	40	15
Ayres Pond/Dodson Slough	E48	E48 B-3	R	1.05	Limit Conflicting Uses	Stream Category D	20	15
Ayres Pond/Dodson Slough	E48	E48 B-4	R	29.20	Limit Conflicting Uses	Stream Category C	40	15
Ayres Pond/Dodson Slough	E48	E48 B-5	R	3.21	Fully Allow Conflicting Uses	None	0	
Debrick Slough	E50	E50 A	R	4.28	Limit Conflicting Uses	Stream Category D	20	14
Debrick Slough	E50	E50 B	R	10.32	Limit Conflicting Uses	Stream Category D	20	14
Debrick Slough	E50	E50 C	R	1.95	Fully Allow Conflicting Uses	None	0	
River Loop No. 1	E56	E56 A-1	R	0.45	Fully Allow Conflicting Uses	None	0	
River Loop No. 1	E56	E56 A-2	R	0.84	Limit Conflicting Uses	Stream Category D	20	16
River Loop No. 1	E56	E56 B	R	0.97	Limit Conflicting Uses	Stream Category D	20	16
East Santa Clara Waterway	E57	E57 A	R	1.70	Fully Allow Conflicting Uses	None	0	
East Santa Clara Waterway	E57	E57 B	R	4.98	Fully Allow Conflicting Uses	None	0	
East Santa Clara Waterway	E57	E57 C	R	6.05	Limit Conflicting Uses	Stream Category D	20	16
East Santa Clara Waterway	E57	E57 D	R	7.01	Limit Conflicting Uses	Stream Category C	40	16
Spring Creek	E58	E58 A	R	2.49	Limit Conflicting Uses	Stream Category C	40	1
Spring Creek	E58	E58 B	R	5.30	Limit Conflicting Uses	Stream Category C	40	1
Spring Creek	E58	E58 C1-C2	R	1.19	Limit Conflicting Uses	Stream Category D	20	1
Spring Creek	E58	E58 C-3	R	0.19	Fully Allow Conflicting Uses	None	0	
Spring Creek	E58	E58 D	R	8.89	Limit Conflicting Uses	Stream Category D	20	1
Flat Creek	E59	E59 A	R	3.42	Limit Conflicting Uses	Stream Category D	20	1
Flat Creek	E59	E59 B-1	R	2.21	Limit Conflicting Uses	Stream Category D	20	1
Flat Creek	E59	E59 B-2	R	0.36	Limit Conflicting Uses	Stream Category E	0	1
Flat Creek	E59	E59 B-3	R	1.11	Limit Conflicting Uses	Stream Category D	20	1
Flat Creek	E59	E59 C	R	5.37	Limit Conflicting Uses	Stream Category D	20	1
Flat Creek	E59	E59 D	R	3.28	Limit Conflicting Uses	Stream Category D	20	1
Flat Creek	E59	E59 E	R	0.94	Fully Allow Conflicting Uses	None	0	
A-1 Channel	E60	E60 A	R	12.20	Limit Conflicting Uses	Stream Category D	20	2
A-1 Channel	E60	E60 B	R	7.65	Limit Conflicting Uses	Stream Category D	20	2
A-1 Channel	E60	E60 C	R	2.16	Fully Allow Conflicting Uses	None	0	
Middle Flat Creek	E61	E61 A	R	0.96	Limit Conflicting Uses	Stream Category C	40	3
Middle Flat Creek	E61	E61 B	R	3.80	Limit Conflicting Uses	Stream Category C	40	3
Middle Flat Creek	E61	E61 C-1	R	7.69	Limit Conflicting Uses	Stream Category C	40	3
Middle Flat Creek	E61	E61 C-2	R	2.00	Limit Conflicting Uses	Stream Category D	20	3
Middle Flat Creek	E61	E61 D	R	8.08	Limit Conflicting Uses	Stream Category D	20	3
Middle Flat Creek	E61	E61 E	R	2.08	Limit Conflicting Uses	Stream Category D	20	3
Middle Flat Creek	E61	E61 F	R	1.48	Fully Allow Conflicting Uses	None	0	
NW Expressway Ponds	E62	E62 A	R	10.32	Limit Conflicting Uses	Stream Category C	40	3
NW Expressway Ponds	E62	E62 B	R	8.47	Limit Conflicting Uses	Stream Category D	20	3
Taney Waterway	E64	E64	R	1.69	Fully Allow Conflicting Uses	None	0	
Empire Pond	E65	E65	R	3.13	Limit Conflicting Uses	Stream Category D	20	3
Golden Gardens (DeSoto Lake)	E66	E66	R	5.30	Limit Conflicting Uses	Stream Category D	20	4
Highway 99/McDougal	E68	E68	R	6.68	Limit Conflicting Uses	Stream Category D	20	3
Emerald Park/South Flat Creek	E69	E69 A	R	3.40	Fully Allow Conflicting Uses	None	0	
Emerald Park/South Flat Creek	E69	E69 B	R	4.77	Limit Conflicting Uses	Stream Category D	20	3

October 20th, 2015

Karl Mueller
Metro Planning Inc
370 Q Street
Springfield, OR 97477

RE: Trip Generation for Proposed Pennington Zone Change on Maxwell Street.

Mr. Mueller:

Sadow Engineering has prepared a trip generation estimate consistent with the Transportation Planning Rule (TPR); the Statewide Planning Rule Goal 12, OAR 660-12-0060 (1) requirements, for tax lot 3800 located at the southwest corner of Maxwell Road and North Park Street in Eugene, Oregon. The applicant is requesting a zone change for this property, therefore is subject to show consistency with TPR requirements by demonstrating that the traffic generated by the proposed zoning will not have a significant effect on the adjacent transportation system. This is achieved by determining if the proposed zoning will generate more trips on the surrounding transportation system than the existing zoning. This is done by evaluating a reasonable “worst-case” development scenario for each land use.

The following demonstrates that the proposed zone change will not increase the traffic to the site. Therefore, TPR requirements are met.

SITE ZONING

The site project site consists of 17.54 acres. The parcel has three distinct land use zones within the single tax lot:

- 1.55 acres of Neighborhood Commercial C-1 (northwest corner of the site)
- 6.358 acres of General Office GO (middle of the site)
- 9.41 acres of Medium Density Residential R-2 (southern portion of site)

The applicant is proposing to change the portion of the site currently designated as GO to R-2. The existing R-2 and C-1 zoning will remain.



From: Kelly Sandow PE Sandow Engineering

RE: Pennington Maxwell Zone Change

Date: 10.20.15

Page 2

EXISTING ZONING DEVELOPMENT POTENTIAL

The reasonable ‘worst-case’ development potential and associated traffic generation for the existing zone change is illustrated in Table 1 and Table 2. These numbers were determined using the following assumptions and the allowed used under the Eugene Code 9.2160 through 9.2181.

GO Zoning:

- Building area is 35% of site: 100,300 square feet
- 55% of the site is parking, drive isles, loading areas, and storm water treatments
- 10% is landscaped areas

The trip generation estimates use information contained within the ITE Trip Generation Manuals 9th edition. Various development scenarios were explored until a maximum number of trips was determined (assuming a reasonable development scenarios consistent with code requirements). Attachment A illustrates the evaluated scenarios, Table 1 and Table 2 illustrate the trip generation estimates for the AM peak hour and PM peak hour respectively.

TABLE 1: AM PEAK HOUR WORST CASE-TRIP GENERATION EXISTING ZONING

ITE Land Use	Size (ksf)	AM Peak Hour Trip Generation	
		Rate	Trips
AM Peak Hour			
GO Zoning			
710-Office	80.0	$\text{Ln}(T) = 0.86\text{Ln}(X) + 0.24$	55
852-Convenience Store	3.0	67.03	201
925-Drinking Place	3.0	0	0
932-High Turn Over (sit-down) Restaurant	10.0	10.80	108
911-Walk-in Bank	5.0	0	0
Total GO Trips			364

From: Kelly Sandow PE Sandow Engineering
 RE: Pennington Maxwell Zone Change
 Date: 10.20.15
 Page 3

TABLE 2: PM PEAK HOUR WORST CASE-TRIP GENERATION EXISTING ZONING

ITE Land Use	Size (ksf)	AM Peak Hour Trip Generation	
		Rate	Trips
AM Peak Hour			
GO Zoning			
710-Office	80.0	$T = 0.37(X) + 60.08$	90
852-Convenience Store	3.0	52.41	157
925-Drinking Place	3.0	11.34	34
932-High Turn Over (sit-down) Restaurant	10.0	9.85	99
911-Walk-in Bank	5.0	12.13	61
Total GO Trips			441

PROPOSED ZONING DEVELOPMENT POTENTIAL

The reasonable “worst-case” development potential for the proposed R-2 zoning is illustrated in Table 3 and Table 4. These numbers were determined using the following assumptions and the allowed used under the Eugene Code 9.2700 through 9.2750.

R-2 Zoning

- 28 units per net acre
- Net acreage excludes public streets (15% of area)

The trip generation was estimated using the information contained within the ITE Trip Generation Manuals 9th edition. Various development scenarios were explored until a maximum number of trips was determined (assuming a reasonable development scenarios consistent with code requirements). Attachment A illustrates the evaluated scenarios, Table 3 and Table 4 illustrates the trip generation estimates for the AM and PM peak hour respectively.

TABLE 3: AM PEAK HOUR WORST CASE-TRIP GENERATION PROPOSED ZONING

ITE Land Use	Size (ksf)	AM Peak Hour Trip Generation	
		Rate	Trips
AM Peak Hour			
R-2 Zoning			
210-Single Family Residential	157	$T=0.7*x+9.74$	120
Total R-2 Trips			120

From: Kelly Sandow PE Sandow Engineering
 RE: Pennington Maxwell Zone Change
 Date: 10.20.15
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TABLE 4: PM PEAK HOUR WORST CASE-TRIP GENERATION PROPOSED ZONING

ITE Land Use	Size (ksf)	PM Peak Hour Trip Generation	
		Rate	Trips
PM Peak Hour			
R-2 Zoning			
210-Single Family Residential	157	$\ln(T) = 0.90\ln(X) + 0.51$	158
Total R-2 Trips			158

FINDINGS

The above analysis illustrates the following trip generation:

	AM	PM
Existing Zoning	364	441
Proposed Zoning	120	158
Total	-244	-283

As illustrated, the proposed zoning has the potential to generate less development traffic in both the AM and PM peak hour. As per Statewide Planning Rule Goal 12, OAR 660-12-0060 (1) the proposed zoning does not create a "significant effect" on the surroundings transportation system. Therefore the requirements of the zone change are met.

Please let me know if you have any questions or need any additional information.

Sincerely,



Kelly Sandow



RENEWAL 06/30/16

ATTACHMENT
A

Existing Zoning

C1	
Total Land (Acres)	1.55
Total Land (ft ²)	67518
Parking Stall req. (ft ²)	250 Shopping Center
Size of Stall (ft ²)	500
Landscape (%)	10

% of Building	Building (ft ²)	Parking (ft ²)	Landscape (ft ²)	Total (ft ²)	
20	13503.6	27007.2	6751.8	47262.6	
21	14178.78	28357.56	6751.8	49288.14	
22	14853.96	29707.92	6751.8	51313.68	
23	15529.14	31058.28	6751.8	53339.22	
24	16204.32	32408.64	6751.8	55364.76	
25	16879.5	33759	6751.8	57390.3	
26	17554.68	35109.36	6751.8	59415.84	
27	18229.86	36459.72	6751.8	61441.38	
28	18905.04	37810.08	6751.8	63466.92	
29	19580.22	39160.44	6751.8	65492.46	
30	20255.4	40510.8	6751.8	67518	
31	20930.58	41861.16	6751.8	69543.54	max
32	21605.76	43211.52	6751.8	71569.08	max
33	22280.94	44561.88	6751.8	73594.62	max
34	22956.12	45912.24	6751.8	75620.16	max
35	23631.3	47262.6	6751.8	77645.7	max
36	24306.48	48612.96	6751.8	79671.24	max
37	24981.66	49963.32	6751.8	81696.78	max
38	25656.84	51313.68	6751.8	83722.32	max
39	26332.02	52664.04	6751.8	85747.86	max
40	27007.2	54014.4	6751.8	87773.4	max
41	27682.38	55364.76	6751.8	89798.94	max

Existing Zoning

C1

<i>Individual Land Use</i>			A.M. Peak Hour		P.M. Peak Hour	
Land Use	Land Use Size (KSF)		Rate	Trips	Rate	Trips
Specialty Retail center	820	20.25	0	0	$T=2.40(X)+21.48$	70
Health/Fitness Club	492	10	1.41	14	3.53	35
clinic	630	10	3.6	36	5.18	52
high turn over restaurant	932	10	10.8	108	9.85	99
Office	710	20.25	$\ln(T) = 0.86\ln(X) + 0.24$	17	$T = 0.37(X) + 60.08$	68

<i>Mixed Land Use</i>						
Office	710	4.5	$\ln(T) = 0.86\ln(X) + 0.24$	5	$T = 0.37(X) + 60.08$	62
Convenience Store	852	3	67.03	201	52.41	157
Drinking Place	925	3	0	0	11.34	34
high turn over restaurant	932	5	10.8	54	9.85	49
Walk-in Bank	911	5			12.13	61
		20.5		260		363

A2

Existing Zoning

GO

Total Land (Acres)	6.58
Total Land (ft ²)	286624.8
Parking Stall req. (ft ²)	330
Size of Stall (ft ²)	500
Landscape (%)	10

% of Building	Building (ft ²)	Parking (ft ²)	Landscape (ft ²)	Total (ft ²)	
20	57324.96	86856	28662.48	172843.44	
21	60191.208	91198.8	28662.48	180052.488	
22	63057.456	95541.6	28662.48	187261.536	
23	65923.704	99884.4	28662.48	194470.584	
24	68789.952	104227.2	28662.48	201679.632	
25	71656.2	108570	28662.48	208888.68	
26	74522.448	112912.8	28662.48	216097.728	
27	77388.696	117255.6	28662.48	223306.776	
28	80254.944	121598.4	28662.48	230515.824	
29	83121.192	125941.2	28662.48	237724.872	
30	85987.44	130284	28662.48	244933.92	
31	88853.688	134626.8	28662.48	252142.968	
32	91719.936	138969.6	28662.48	259352.016	
33	94586.184	143312.4	28662.48	266561.064	
34	97452.432	147655.2	28662.48	273770.112	
35	100318.68	151998	28662.48	280979.16	
36	103184.928	156340.8	28662.48	288188.208	max
37	106051.176	160683.6	28662.48	295397.256	max
38	108917.424	165026.4	28662.48	302606.304	max
39	111783.672	169369.2	28662.48	309815.352	max

A3

Existing Zoning

GO

<i>Individual Land Use</i>			A.M. Peak Hour		P.M. Peak Hour	
Land Use	Land Use C	Size (KSF)	Rate	Trips	Rate	Trips
Specialty Retail center	820	80.25	0	0	$T=2.40(X)+21.48$	214
Office	710	100.3	$\ln(T) = 0.86\ln(X) + 0.24$	67	$T = 0.37(X) + 60.08$	97
clinic	630	50	3.6	180	5.18	259

<i>Mixed Land Use</i>						
Office	710	80	$\ln(T) = 0.86\ln(X) + 0.24$	55	$T = 0.37(X) + 60.08$	90
Convenience Store	925	3	67.03	201	52.41	157
Drinking Place	925	3	0	0	11.34	34
high turn over restaurant	932	10	10.8	108	9.85	99
Walk-in Bank	911	5			12.13	61
		101		364.0666		441

A4

Proposed Zoning

C2

Total Land (Acres)	1.55
Total Land (ft ²)	67518
Parking Stall req. (ft ²)	250 Shopping Center
Size of Stall (ft ²)	500
Landscape (%)	10

% of Building	Building (ft ²)	Parking (ft ²)	Landscape (ft ²)	Total (ft ²)	
20	13503.6	27007.2	6751.8	47262.6	
21	14178.78	28357.56	6751.8	49288.14	
22	14853.96	29707.92	6751.8	51313.68	
23	15529.14	31058.28	6751.8	53339.22	
24	16204.32	32408.64	6751.8	55364.76	
25	16879.5	33759	6751.8	57390.3	
26	17554.68	35109.36	6751.8	59415.84	
27	18229.86	36459.72	6751.8	61441.38	
28	18905.04	37810.08	6751.8	63466.92	
29	19580.22	39160.44	6751.8	65492.46	
30	20255.4	40510.8	6751.8	67518	
31	20930.58	41861.16	6751.8	69543.54	max
32	21605.76	43211.52	6751.8	71569.08	max
33	22280.94	44561.88	6751.8	73594.62	max
34	22956.12	45912.24	6751.8	75620.16	max
35	23631.3	47262.6	6751.8	77645.7	max
36	24306.48	48612.96	6751.8	79671.24	max
37	24981.66	49963.32	6751.8	81696.78	max
38	25656.84	51313.68	6751.8	83722.32	max
39	26332.02	52664.04	6751.8	85747.86	max
40	27007.2	54014.4	6751.8	87773.4	max
41	27682.38	55364.76	6751.8	89798.94	max

A5

Proposed Zoning

C2

<i>Individual Land Use</i>			A.M. Peak Hour		P.M. Peak Hour	
Land Use	Land Use Size (KSF)		Rate	Trips	Rate	Trips
Specialty Retail center	820	20.25	0	0	$T=2.40(X)+21.48$	70
Health/Fitness Club	492	20.25	1.41	29	3.53	71
clinic	630	20.25	3.6	73	5.18	105
high turn over restaurant	932	10	10.8	108	9.85	99
Office	710	20.25	$\ln(T) = 0.86\ln(X) + 0.24$	17	$T = 0.37(X) + 60.08$	68

<i>Mixed Land Use</i>						
Office	710	1.75	$\ln(T) = 0.86\ln(X) + 0.24$	2	$T = 0.37(X) + 60.08$	61
Convenience Store	925	3	67.03	201	52.41	157
Drinking Place	925	3	0	0	11.34	34
high turn over restaurant	932	5	10.8	54	9.85	49
Walk-in Bank	911	5			12.13	61
Coffee Shop w/ Drive-Thru	937	2.5	100.58	251	42.8	107
		20.25		508.057		469

A6

Proposed Zoning

R2

Total Land (Acres)

6.58
15% public streets etc
5.593

28 units/acre

157 units

A7

Proposed Zoning

R2

<i>Individual Land Use</i>			A.M. Peak Hour		P.M. Peak Hour	
Land Use	Land Use Code	Size (KSF)	Rate	Trips	Rate	Trips
single family residential	210	157	$.7 * x + 9.74$	120	$\ln(T) = 0.90 \ln(X) + 0.51$	158

A8

Subject:Follow-up to Neighborhood-Applicant meeting
Date:Fri, 4 Sep 2015 15:44:18 -0700
From:Jon Belcher <Jbelcher@efn.org>
To:'Jed Truett' <jed@metroplanning.com>

Hi Jed,

It was great meeting with you and Karl last Friday.
When I proposed as a planning commissioner that Chapter 9 include a requirement for developer-neighbors meeting it was outcomes like tonight's that I was hoping for.

I heard all the neighbors supporting your proposal to rezone the GO portion of the site to R-2 in the hope that it will result in a single family housing project at the low end of allowed R-2 density.

In turn I heard you agree to drop the proposal to rezone the C-1 property to C-2 which was uniformly opposed by neighbors because of our concerns over allowed C-2 uses that we feel are incompatible with the neighborhood. Additionally there is some concern over the maximal allowed height of 120 ft. I heard us agree to not oppose the GO to R-2 as a result.

Sounds like a win-win to me!

And again I thank you for sending me a copy of today's sign-up sheet.

I hope you agree that it was a great meeting.

Jon Belcher
Co-Chair River Road Community Organization

Re: GO Zone Property

6-29-2015

My name is Karen Jerome, I own a beauty Salon on Maxwell at 1021 for 15 years. when I first heard of the developement of the property off North Park, I was concern that if other business came in and would hurt my business.

When Rick Sorric came in and told me what he wanted to do with the property made more sense to me than doing other.

I agree with Rick Sorric that building homes would be better.

thanks

Karen Jerome
% A New Salon and Style
1021 Maxwell Rd.
Eugene, OR 97404
541-510-3450 cell
OR
541-688-7155 shop.

To Whom This May Concern

As the owner of A Hidden Secret Salon
I would interested in the land behind
me being zoned for single family
housing

Thank You

Lore Mamer

541-968-4444



COMMUNITY MARKETS, INC.

1045 MAXWELL RD.
EUGENE, OR 97404

(541) 688-2777
JBGRACEN@MSN.COM

6:30 AM – 1:00 AM
WEEKDAYS

7:00 AM – 1:00 AM
WEEKENDS

June 26, 2015

To whom it may concern;

Rick Sorric, the developer of the property south of Maxwell Road and adjacent to Park Ave. contacted us today about gaining our approval for a zoning change on a portion of his development.

We have no objection to his proposal for rezoning the general office portion to residential. By doing this, it would increase the business for our store.

For any questions, please contact me at 541-747-4984 Home, or 541-688-2777 Business.

Sincerely,

A handwritten signature in black ink, appearing to read "James Gracen", written over a horizontal line.

James Gracen
Community Markets, Inc.



June 29, 2015

Ninfa's Elite Janitorial Service
1035 Maxwell Rd.
Eugene, OR 97404

To whom this may concern,

We have an office located at 1035 Maxwell that we have occupied for many years. I am writing today in support of the empty lots located across the street from us and also behind Valley Restaurant Equipment. I am aware of the zoned area for this and I think that it should be changed from a GO zone to a Residential zone. This would make sense because of the local schools in this area and being in close proximity to the River Road Park and Recreation District. I think zoning this area to ~~Recreational~~ *RESIDENTIAL* would fit more in line for the surroundings that are in the area.

I also grew up in this area (off of Kourt Dr.) and as a kid would ride my bike to the Community Market. It would be nice to see something done with this area instead of just a vacant field across the street.

Sincerely,

Jamie Espinoza
General Manager
Ninfa's Elite Janitorial Service

NEIGHBORHOOD/APPLICANT MEETING NOTICE

INVITATION To NEIGHBORHOOD-APPLICANT MEETING

Dear Neighbor:

You are cordially invited to attend a meeting to discuss a proposed Metro Plan Map Amendment, River Road-Santa Clara Urban Facilities Plan Map and Text Amendment, and a Zoning Map Amendment for a property located at the southeast corner of Maxwell Road and Maxwell Connector. This property is the large lot on the north half of the tentatively-approved Pennington Acres subdivision. The details of the proposal are below.

- 1) Metro Plan Map Amendment for the southern portion of the site from Commercial to Medium-Density Residential;
- 2) River Road-Santa Clara Urban Facilities Plan Map Amendment for the southern portion of the site from Commercial to Medium-Density Residential and a Text Amendment to facilitate this map amendment; and
- 3) Zone Change from C-1 to C-2 for the northern portion of the site and GO to R-2 for the southern portion of the site. No change is proposed to the overlay zones.

As the applicant's representative preparing this proposal, we invite you to attend a meeting with us and other neighbors to review our plans, share information, and identify issues regarding the proposal.

- WHAT: Meeting to review a proposal for a Metro Plan Map Amendment, River Road-Santa Clara Urban Facilities Plan Map/Text Amendment, and a Zoning Map Amendment at the southeast corner of Maxwell Connector and Maxwell Road, just west of North Park Street across from Kelly Middle School
- WHO: Metro Planning, Inc. (Applicant's Representative), property owners and residents in the surrounding area, and the neighborhood association.
- WHEN: Friday, August 28, 2015 @ 5:00 PM
- WHERE: In the Kelly Middle School parking area across the street from the subject property

No applications for this proposal are being reviewed by the City yet. Your comments and input into the proposal at this early stage will be valuable in helping us to identify issues and shape the proposal. We hope you can attend.

For more information, please feel free to contact Jed Truett, AICP with Metro Planning, Inc., by telephone at (541) 302-9830 or via email at jed@metroplanning.com.

MAPTAXLOT	OWNNAME	ADDR1	ADDR2	OWNERCITY	OWNERPRVST	OWNERZIP
1704142302600	HORNSBY BARRY A & JANICE A	1777 LABONA DR		EUGENE	OREGON	97404
1704142302701	ARSENAULT JOCELYN M	100 BUSHNELL LN		EUGENE	OREGON	97404
1704142302702	DRISCOLL PATRICK WILLIAM	112 BUSHNELL LN		EUGENE	OREGON	97404
1704142304006	WILE STEPHEN W & DONNA R	95 BUSHNELL LANE		EUGENE	OREGON	97404
1704143104000	HASTINGS WILLIAM M & MELISSA M	854 MAXWELL RD		EUGENE	OREGON	97404
1704143104100	HELDT DENNIS & JERI D	872 MAXWELL RD		EUGENE	OREGON	97404
1704143104200	HOLTAN-ARCHER HOLLY	869 ELM DR		EUGENE	OREGON	97404
1704143104300	MATHEWS HOLLY A	857 ELM DR		EUGENE	OREGON	97404
1704143104800	HIGBEE GARY	148 E 38TH AVE		EUGENE	OREGON	97405
1704143104900	YOUNG ERIC P	1573 ALDERWOOD ST		EUGENE	OREGON	97404
1704143105000	GLASCOCK LIVING TRUST	1559 ALDERWOOD		EUGENE	OREGON	97402
1704143105100	SCOTT TERRI E & JOHN R	1547 ALDERWOOD ST		EUGENE	OREGON	97404
1704143105200	HOPKINS RANAE N	1535 ALDERWOOD ST		EUGENE	OREGON	97404
1704143105300	VANDERCAR LARRY R & S A	1523 ALDERWOOD ST		EUGENE	OREGON	97402
1704143105400	NICHOLS MARILYNN L CAVANAGH	13470 ABBOTT HILL DR		GRASS VALLEY	CALIFORNIA	95945
1704143105500	TAMARA DIAGHILEV LIVING TRUST	2848 COUNTRY LN		EUGENE	OREGON	97401
1704143105600	PHILLIPS SHELLY DAWN	242 BUFFALO TRACE		WINCHESTER	KENTUCKY	40391
1704143105700	GARCIA GUILLERMO JR & SHEILA A	1542 BRENTWOOD AVE		EUGENE	OREGON	97404
1704143105800	MCLAUGHLIN KATHLEEN C	1556 BRENTWOOD AVE		EUGENE	OREGON	97404
1704143105900	BONNER ROBERT A	1562 BRENTWOOD AVE		EUGENE	OREGON	97404
1704143106000	MARK B RICE LIVING TRUST	1586 BRENTWOOD AVE		EUGENE	OREGON	97404
1704143106100	SPENCER MARIE	823 ALTAMONT RD		ALTAMONT	NEW YORK	12009
1704143200102	CHALLEN JOHN STAPOL	1737 BERWN LN		EUGENE	OREGON	97404
1704143200103	JANG JUNG-SOOK	3151 KINSROW 160		EUGENE	OREGON	97401
1704143200200	GRANSBURY BRENDA S	PO BOX 1505		SPRINGFIELD	OREGON	97477
1704143200300	COE BRIAN	80 BUSHNELL LN		EUGENE	OREGON	97404
1704143200400	ALLEN LILY ROSE	1765 LABONA DR		EUGENE	OREGON	97404
1704143200500	TARRANT LIVING TRUST	1763 LABONA DR		EUGENE	OREGON	97404
1704143200600	UNRUH CATHERINE RAE	40 BUSHNELL LN		EUGENE	OREGON	97404
1704143200700	LAUDERDALE JAMES L	35 BUSHNELL LN		EUGENE	OREGON	97404
1704143200800	GRACEN JAMES M & BELINDA S	1045 MAXWELL RD		EUGENE	OREGON	97404
1704143200900	MILLER JULIUS C & MARIAN D	12803 SW WHEAT GRASS RD		CROOKED RIVER RANCH	OREGON	97760
1704143201000	STEVESON HENRY J & MARIA P	1707 LABONA DR		EUGENE	OREGON	97404
1704143201001	CHARLES E HAMLIN TRUST	2495 W 22ND		EUGENE	OREGON	97405
1704143201100	HAMLIN CHARLES E & MARGARET A	2495 W 22ND AVE		EUGENE	OREGON	97405

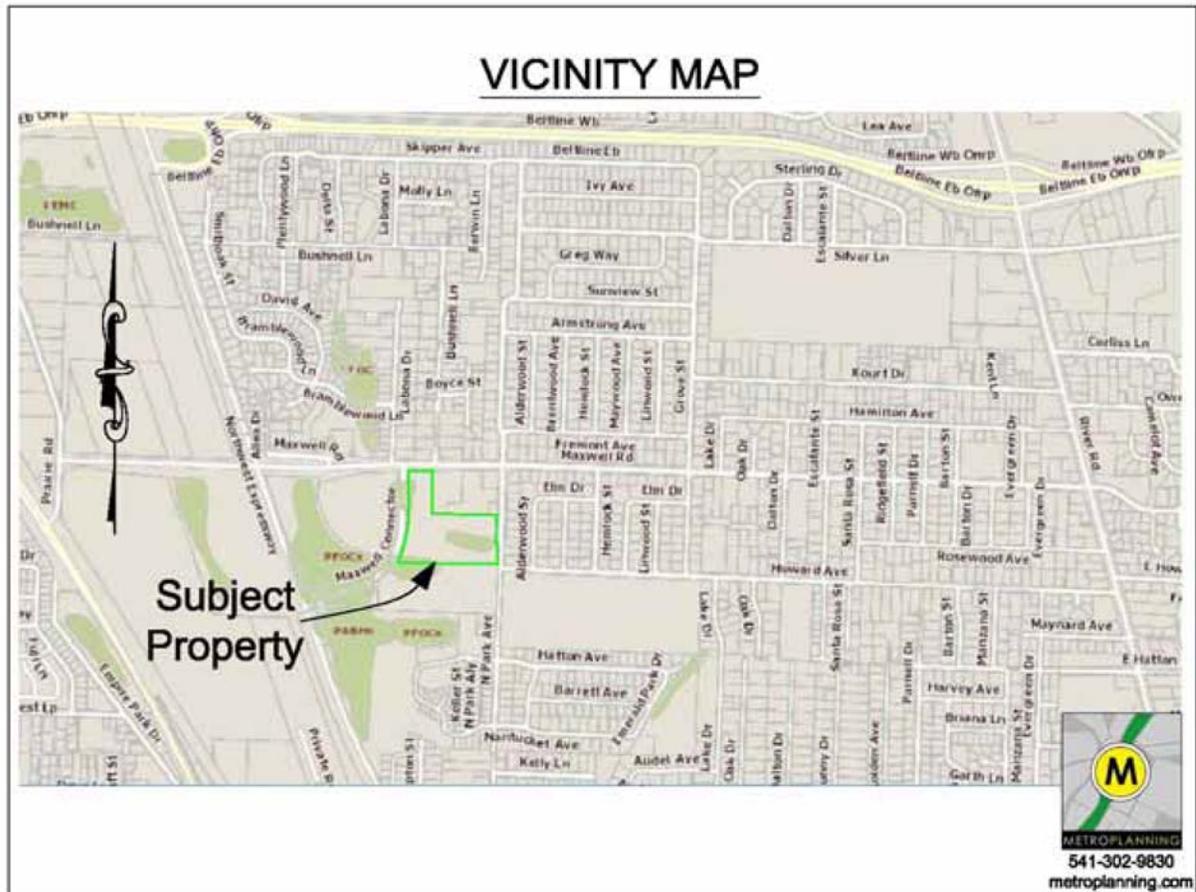
MAPTAXLOT	OWNNAME	ADDR1	ADDR2	OWNERCITY	OWNERPRVST	OWNERZIP
1704143201200	GRACEN JAMES M & BELINDA S	1045 MAXWELL RD		EUGENE	OREGON	97404
1704143201300	CONFLUENCE HOLDINGS LLC	30557 FOX HOLLOW RD		EUGENE	OREGON	97405
1704143201301	NINFA ESPINOZA LIVING TRUST	635 KOURT DR		EUGENE	OREGON	97404
1704143201400	CURTIS JAMIE	PO BOX 25505		EUGENE	OREGON	97402
1704143201500	HELDT DENNIS & JERI	872 MAXWELL RD		EUGENE	OREGON	97404
1704143201600	GOWER CLINTON R	884 MAXWELL RD		EUGENE	OREGON	97404
1704143201700	TOMLIN BUCKLEY BRUCE	PO BOX 40457		EUGENE	OREGON	97404
1704143201800	COFFIN ZANE T	1595 N PARK AVE		EUGENE	OREGON	97404
1704143201900	TATE KATHLEEN F	1593 N PARK AVE		EUGENE	OREGON	97404
1704143202000	OWEN MICHAEL J	1589 N PARK AVE		EUGENE	OREGON	97404
1704143202100	STEGNER SHAWN L & VELIA S MARQUEZ	1585 N PARK AVE		EUGENE	OREGON	97404
1704143202200	TRANT JOHN P	1547 N PARK AVE		EUGENE	OREGON	97404
1704143202300	HEBERT LAVELLE	1545 N PARK AVE		EUGENE	OREGON	97402
1704143202400	FLORES-MORA GENOVEVA M	1533 N PARK AVE		EUGENE	OREGON	97404
1704143202500	LOKAN GARY A	1521 N PARK AVE		EUGENE	OREGON	97404
1704143202600	JOHNSON CODY	893 HOWARD AVE		EUGENE	OREGON	97404
1704143202700	DEAN AMANDA L & COLLEY BRIAN L	92912 ALLENS ALY		CHESHIRE	OREGON	97419
1704143202800	GOSCHIE GINA B	1522 ALDERWOOD AVE		EUGENE	OREGON	97404
1704143202900	EDWARD T MONKS TRUST	4620 OLD DILLARD RD		EUGENE	OREGON	97405
1704143203000	JONES CHARLES WILLIAM	1546 ALDERWOOD ST		EUGENE	OREGON	97404
1704143203100	ALDEN LEE JAMES	1558 ALDERWOOD ST		EUGENE	OREGON	97404
1704143203200	AKER CLINT A	1570 ALDERWOOD ST		EUGENE	OREGON	97404
1704143203300	MOXON SIERRA & ARRON W	1586 ALDERWOOD ST		EUGENE	OREGON	97404
1704143203400	SATEJ CAROL MARSH	1598 ALDERWOOD ST		EUGENE	OREGON	97404
1704143203600	BROWN JEFFREY S	1724 N PARK AVE		EUGENE	OREGON	97404
1704143203705	HENDERSON BEVERLY	4844 SCENIC DR		EUGENE	OREGON	97404
1704143203706	REYNOLDS FAMILY REVOCABLE TRUST	9705 SW VISTA PL		PORTLAND	OREGON	97225
1704143203800	BRELAINE INVESTMENTS LLC	PO BOX 10092		EUGENE	OREGON	97440
1704143203801	EDCO PROPERTIES LLC	2323 FAIRMOUNT BLVD		EUGENE	OREGON	97403
1704143203802	EDCO PROPERTIES LLC	2323 FAIRMOUNT BLVD		EUGENE	OREGON	97403
1704143203803	EDCO PROPERTIES LLC	2323 FAIRMOUNT BLVD		EUGENE	OREGON	97403
1704143203804	EDCO PROPERTIES LLC	2323 FAIRMOUNT BLVD		EUGENE	OREGON	97403
1704143203900	BAKER LEE & AMY	1706 LABONA DR		EUGENE	OREGON	97404
1704143204000	LENKER JEFFREY L & KATHERINE F	1716 LABONA DR		EUGENE	OREGON	97404
1704143204100	ROSE ALICE F	1724 LABONA DR		EUGENE	OREGON	97404
1704143204200	BROMLEY DEE	1740 LABONA DR		EUGENE	OREGON	97404

MAPTAXLOT	OWNNAME	ADDR1	ADDR2	OWNERCITY	OWNERPRVST	OWNERZIP
1704143204300	BARRON LOREN A & DEBRA C	1762 LABONA DR		EUGENE	OREGON	97404
1704143204400	SMITH MAUREEN A	1778 LABONA DR		EUGENE	OREGON	97404
1704143204500	ROBERT LEE CROCKER TRUST	1782 LABONA DR		EUGENE	OREGON	97404
1704143300100	CHURCH OF GOD PROPHECY	1440 N PARK AVE		EUGENE	OREGON	97402
1704143300200	CHURCH OF GOD OF PROPHECY	PO BOX 41011		EUGENE	OREGON	97404
1704143300300	WALNUT PARK LIMITED PTRSHP	ATTN: JIM MCCOY	177 DAY ISLAND RD	EUGENE	OREGON	97401
1704143300400	WALNUT PARK LIMITED PTRSHP	PO BOX 3346		EUGENE	OREGON	97403
1704143301900	WALNUT PARK LIMITED PTRSHP	% BENNETT MGMT CO LLC	PO BOX 10342	EUGENE	OREGON	97440
1704143302000	WALNUT PARK LIMITED PTRSHP	% BENNETT MGMT CO LLC	PO BOX 10342	EUGENE	OREGON	97440
1704143302100	WALNUT PARK LIMITED PTRSHP	% BENNETT MGMT CO LLC	PO BOX 10342	EUGENE	OREGON	97440
1704143302200	WALNUT PARK LIMITED PTRSHP	% BENNETT MGMT CO LLC	PO BOX 10342	EUGENE	OREGON	97440
1704143304002	CITY OF EUGENE	PO BOX 1967		EUGENE	OREGON	97440
1704143306600	TURTLE CREEK APARTMENTS LP	177 DAY ISLAND RD		EUGENE	OREGON	97401
1704143306700	TURTLE CREEK APARTMENTS LP	177 DAY ISLAND RD		EUGENE	OREGON	97401
1704143400100	EUGENE SCHOOL DISTRICT 4J	200 N MONROE ST		EUGENE	OREGON	97402
1704143400200	WHITTLESEY LAWRENCE C	889 HATTON AVE		EUGENE	OREGON	97404
1704143400300	GOULD JUDITH A & JOHN W	1351 MANZANA ST		EUGENE	OREGON	97404
1704143400400	WALKER RICHARD G	873 HATTON AVE		EUGENE	OREGON	97404
1704143400500	HUEPENBECKER JUSTIN	865 HATTON AVE		EUGENE	OREGON	97404
1704143400600	JAMES & PATSY COLDREN FAMILY TRUST	4490 MONROE AVE		SAN DIEGO	CALIFORNIA	92115
1704143403700	CARSON FREDRICK D	1385 JOSEPHINE ST		EUGENE	OREGON	97404
1704143403800	KEEFER MARK V	882 HATTON AVE		EUGENE	OREGON	97404
1704143404000	FOSTER KARL E & BARBARA E	1389 N PARK AVE		EUGENE	OREGON	97404
1704143404001	KESEY ELAINE K & LEONARD C	1401 N PARK AVE		EUGENE	OREGON	97404
1704154100100	CITY OF EUGENE	PO BOX 1967		EUGENE	OREGON	97440
1704154102100	PINNEY JEFFREY D	1225 MAXWELL RD		EUGENE	OREGON	97404
1704154102200	ALBRIGHT ADAM & NICHOLE	1201 MAXWELL RD		EUGENE	OREGON	97404
1704154102300	ST PETER CATHOLIC CHURCH	1150 MAXWELL RD		EUGENE	OREGON	97404
1704154102400	COUNTY OWNED LANDS DEPT	LANE COUNTY COURTHOUSE		EUGENE	OREGON	97401
1704232004201	COUNTY OWNED LANDS DEPT	LANE COUNTY COURTHOUSE		EUGENE	OREGON	97401

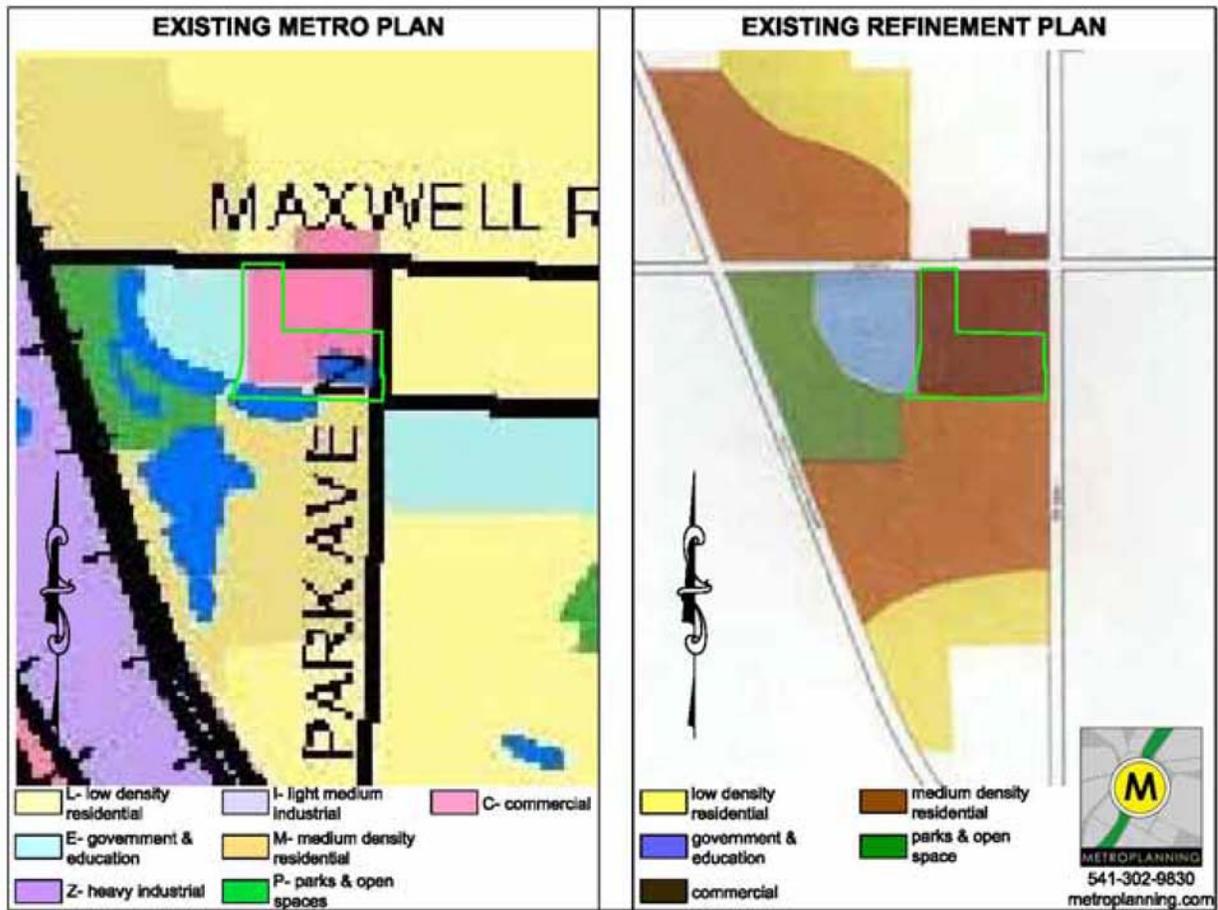
Executive Summary

Overview: The purpose of our group of applications is to make it possible to develop this property with approximately 7.2 acres of single-family, detached, medium density residential housing. The remaining 1.6 acres is to be used for commercial development. The Site Review and Water Resources Overlay zones shall remain.

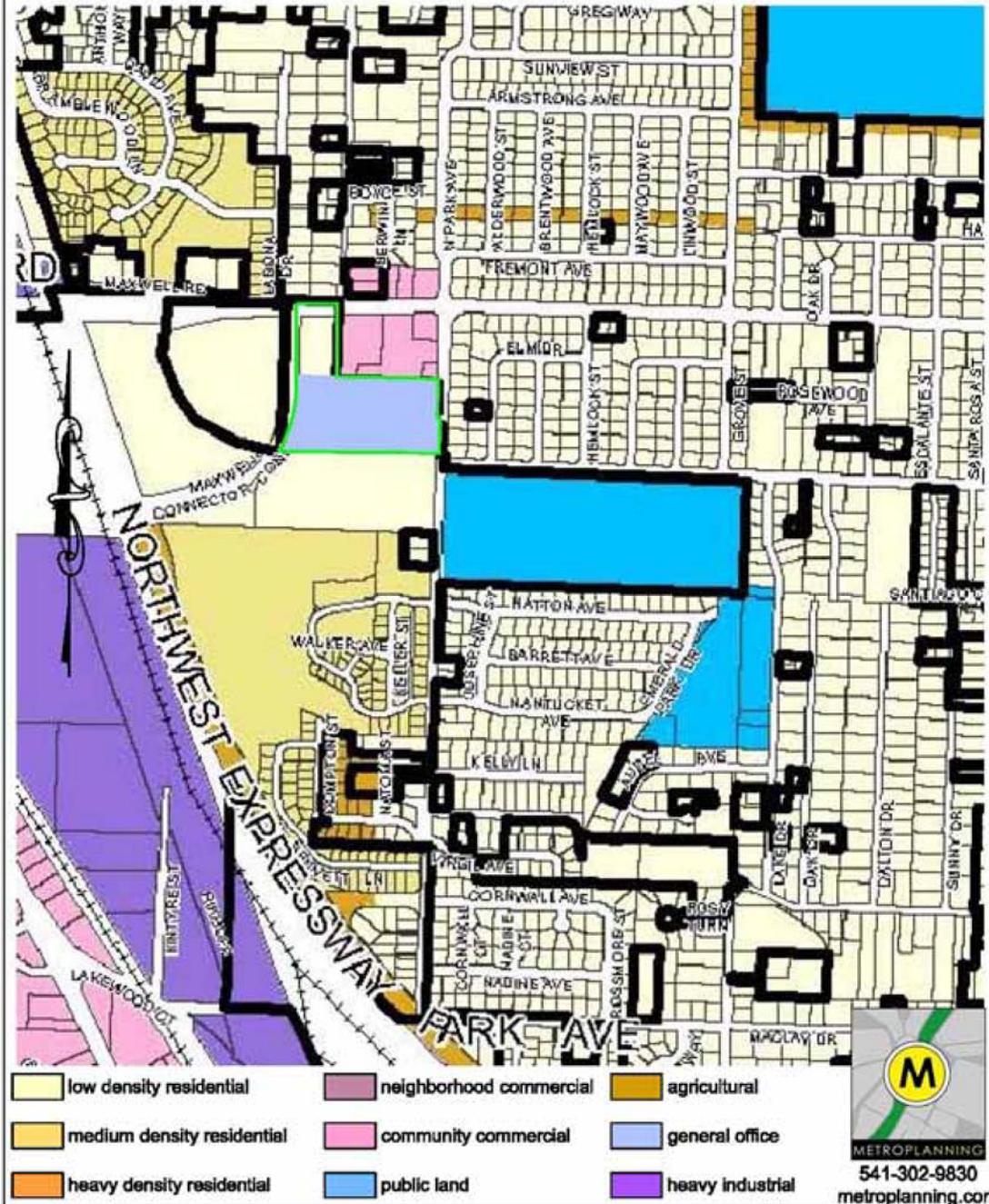
Vicinity: The subject property is a 8.7 acre parcel located south of Maxwell Road, adjacent and between Maxwell Connector and North Park directly next to Valley Restaurant approximately one mile west of River Road. The parcel is vacant.



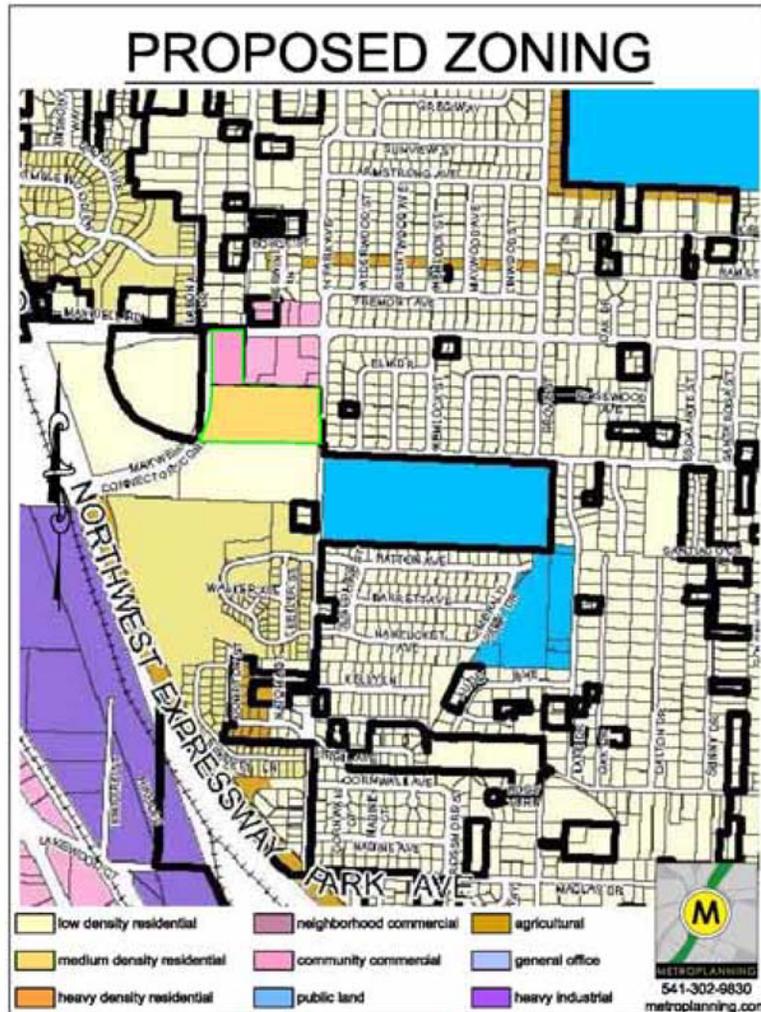
Existing Planning/Zoning: The property is shown as commercial on the Metro Plan and commercial on the refinement plan. The property is zoned General Office and Neighborhood Commercial.



EXISTING ZONING



Proposal: The General Office portion of the property shall be changed to a Metro Plan designation of medium density residential, a refinement plan designation of medium density residential and a zoning designation of medium density residential. The neighborhood commercial piece of the property shall be changed to a zoning of Community Commercial. All overlay zones are to remain.



In order to achieve this zoning the text of the refinement plan and land use code will have to change as well:

Recommendation 5- ~~Maintain the current commercial designation to the north of [T]he line which would be Howard Avenue if ever extended westerly~~ constituting the limit of the depth commercial designation in the subarea south of Maxwell Road shall be a line parallel to and three hundred ninety seven feet from the centerline Maxwell Road. ~~Only commercial developments making unified use of five or more acres shall be allowed in the subarea.~~ [EC 9.9610(8)(d)], [RRSCUF, 2-28, 1986]

Reasons for this proposal: The planning and policy direction for development in this area was established in 1986. At the time of adoption of the plan, the River Road area was much less developed than it is at this time. There has been substantial growth in the River Road area in the intervening thirty years. Nearly all property zoned for residential development in this area has developed since 1986. The only area within approximately one mile of the subject property that is not fully built out is the so called “commercial node”. Our property is the single largest tract in that “node.”

The lack of development over a period of 30 years indicates the lack of demand for a large commercial use at this location. At the same time that this property remains vacant, there is a shortage of development ready residential sites in Eugene. Scarce supply leads to increased costs. Essentially, the choice is between a zoning district for which there is little to no demand in this location or changing the zoning to a district in great demand and for which there is great unmet need in this general area. Our proposal makes better use of the subject property.

The reason for the change from C-1, neighborhood commercial to C-2 is to make the remaining portion of the property as desirable as possible for commercial uses. Also, the adjacent commercial properties are zoned neighborhood commercial. Consistency between the adjacent districts will create greater development and redevelopment potential.

Eugene Code

distance of an adequate support population. For new C-1 areas between 4½ and 5 acres, an adequate support population is 4,000 people (existing or planned) within an area conveniently accessible to the site.

- (2) New C-1 areas larger than 1.5 acres shall be located on a collector or arterial street.
- (3) Existing neighborhood commercial areas shall not be allowed to expand to greater than 1.5 acres unless the development area site abuts a collector or arterial street.

(Section 9.2150, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

9.2160 Commercial Zone Land Use and Permit Requirements. The following Table 9.2160 Commercial Zone Land Uses and Permit Requirements identifies those uses in Commercial Zones that are:

- (P) Permitted.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to a conditional use permit or an approved final planned unit development.
- (S) Permitted, subject to the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations described in EC 9.2161.

Examples shown in Table 9.2160 are for informational purposes, and are not exclusive. Table 9.2160 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Accessory Uses				
Accessory Use. <u>An example</u> includes storage and distribution incidental to the primary use of the site. Parking areas that are accessory to a primary use on the same development site shall comply with EC 9.2161(5).	P	P	P	P
Agricultural, Resource Production and Extraction				
Horticultural Use. <u>Examples</u> include field crops, orchards, berries, and nursery or flower stock.	P	P		P
Eating and Drinking Establishments				
Bar and Tavern	C(1)	P	P	
Delicatessen	P(1)	P	P	P(2)
Restaurant	P(1)	P	P	P(2)
Specialty Food and Beverage. <u>Examples</u> include bagel, candy, coffee, donut, and ice cream stores. Products manufactured on-site shall comply with manufacturing allowances for food and beverage products.	P(1)	P	P	P(2)
Education, Cultural, Religious, Social and Fraternal				
Artist Gallery/Studio	P(1)	P	P	
Ballet, Dance, Martial Arts, and Gymnastic School/Academy/Studio	P(1)	P	P	C

Eugene Code

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Church, Synagogue, and Temple, including associated residential structures for religious personnel	P(1)	P	P	P
Club and Lodge of State or National Organization		P	P	P
Community and Neighborhood Center	P	P	P	C
Library		P	P	
Museum		P	P	
School, Business or Specialized Educational Training (excludes driving instruction)		P	P	
School, Driving (including use of motor vehicles)		P	P	
School, Elementary through High School		P	P	
University or College		P	P	
Entertainment and Recreation				
Amusement Center (Arcade, pool tables, etc.)	C	P	P	
Arena, Indoors		C	C	
Athletic Facility and Sports Club	P(1)	P	P	C
Bowling Alley		P	P	
Golf Course, Miniature Indoor		P	P	
Golf Course, Miniature Outdoor		SR		
Golf Driving Range		SR		
Park and Non-Publicly Owned Open Space Use (See EC 9.2620): Uses not specifically listed in this Table 9.2160 that are listed under the "Entertainment and Recreation" category in Table 9.2630.		S(8)	S(8)	S(8)
Theater, Live Entertainment	C	P	P	
Theater, Motion Picture		P	P	
Financial Services				
Automated Teller Machine (ATM)	P(1)	P	P	P
Bank, Savings and Loan Office, Credit Union	P(1)	P	P	P
Government				
Government Services, not specifically listed in this or any other uses and permit requirements table. <u>An example</u> could include: a fire station.	P(1)	P	P	P
Information Technology Services				
Computer Networking (includes services and technical support center)	P(1)	P	P	P
E-commerce (includes on-site shipping via truck)		P	P	
E-commerce (excludes on-site shipping via truck)	P(1)	P	P	P
Healthcare Informatics (includes biotechnology, bioinformatics, and medical informatics)	P(1)	P	P	P
Internet and Web Site (includes services and technical support center)	P(1)	P	P	P
Software Development (includes services and technical support center)	P(1)	P	P	P
Lodging				
Bed and Breakfast Facility		P	P	P
Homeless Shelter not in existence as of January 1, 1984				

Eugene Code

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Hotel, Motel, and similar business providing overnight accommodations		P	P	
Recreational Vehicle Park, may include tent sites (See EC 9.5600)		S		
Manufacturing				
Manufacturing Allowance in C-1, manufacturing is permitted if the following standards are met: -- No external air emissions required a permit from an air quality public agency. -- All industrial activity completely enclosed within building. -- Industrial uses limited to apparel, food and beverage, handcraft industries, and other manufacturing uses with similar external impacts to other uses permitted in C-1. -- Each individual business is limited to 5,000 square feet of area exclusive of parking area.	P			
Manufacturing Allowance in C-2 and C-3, manufacturing is permitted if the following standards are met: -- No external air emissions requiring a permit from an air quality public agency. -- All industrial activity completely enclosed within building. -- Industrial uses limited to apparel, food and beverage products, electronic communication assembly, handcraft industries, and other manufacturing uses with similar external impacts to other uses permitted in C-2 and C-3. -- Each individual business is limited to 10,000 square feet of floor area exclusive of parking area. These types of businesses are limited in size to assure that they will not dominate the commercial area and to limit any negative external impacts on commercial and residential uses.		P	P	
Recycling, reverse vending machine	P	P	P	P
Recycling, small collection facility (See EC 9.5650)	S	S	S	S
Medical, Health, and Correctional Services				
Blood Bank		P	P	P
Correctional Facility, excluding Residential Treatment Center		C	C	C
Clinic or other Medical Health Treatment Facility (including mental health).	P(1)	P	P	P
Drug Treatment Clinic - Non-residential		P(3)	P(3)	
Hospital		C	C	C
Laboratory, medical, dental, X-ray		P	P	P
Meal Service, Non-Profit	C	P	P	
Nursing Home		P	P	P
Plasma Center, must be at least 800 feet between Plasma Centers		P		
Residential Treatment Center		P	P	C
Motor Vehicle Related Uses				
Car Wash		P	C	
Motor Vehicle Sales/Rental/Service, excluding recreational vehicles and heavy trucks		P	C	
Motorcycle Sales/Rental/Service		P	C	

Eugene Code

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Parking Area not directly related to a primary use on the same development site		SR (4)	P(5)	P
Parts Store		P	P	
Recreational Vehicles and Heavy Truck, Sales/Rental/Service		C		
Repair, includes paint and body shop		P		
Service Stations, includes quick servicing		P	C	
Structured Parking, up to two levels not directly related to a primary use on the same development site		P	P	P
Structured Parking, three or more levels not directly related to a primary use on the same development site		C	P	C
Tires, Sales/Service		P	C	
Transit, Neighborhood Improvement	P	P	P	P
Transit Park and Ride, Major		P	P	P
Transit Park and Ride, Minor	C	P	P	P
Transit Station, Major	C	SR	SR	SR
Transit Station, Minor	C	P	P	P
Office Uses				
Administrative, General, and Professional Office	P(1)	P	P	P
Scientific and Educational Research Center	P(1)	P	P	P
Personal Services				
Barber, Beauty, Nail, Tanning Shop	P(1)	P	P	P(2)
Day Care Facility (Not associated with a residence.)	P	P	P	P
Dry Cleaner	P(1)	P	P	P(2)
Film, Drop-off/Pick-up	P(1)	P	P	P(2)
Locksmith Shop	P(1)	P	P	P(2)
Laundromat, Self-Service	P(1)	P	P	P(2)
Mailing and Package Service	P(1)	P	P	P(2)
Shoe Repair Shop	P(1)	P	P	P(2)
Tailor Shop	P(1)	P	P	P(2)
Residential				
Dwellings				
One-Family Dwelling	P(6)	P(6)	P(7)	
Rowhouse (One-Family on Own Lot Attached to Adjacent Residence on Separate Lot with Garage or Carport Access to the Rear of the Lot)	S(6)	S		P
Duplex (Two-Family Attached on Same Lot)	P(6)	P(6)	P(7)	P
Tri-plex (Three-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S	S	S
Four-plex (Four-Family Attached on Same Lot) (See EC 9.5500)	S(6)	S	S	S
Multiple Family (3 or More Dwellings on Same Lot) (See EC 9.5500)	S(6)	S	S	S
Assisted Care & Day Care (Residences Providing Special Services, Treatment or Supervision)				
Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)		P	P	P
Assisted Care (6 or more people living in facility)		P	P	C
Day Care (3 to 12 people served)	P	P	P	P
Day Care (13 or more people served)	C	P	P	P

Eugene Code

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Rooms for Rent Situations				
Boarding and Rooming House				
Campus Living Organization, including Fraternities and Sororities		P	P	C
Single Room Occupancy (SRO)		P	P	
University and College Dormitories		P	P	P
Trade (Retail and Wholesale)				
Agricultural Machinery Rental/Sales/Service		C		
Appliance Sales/Service		P	P	
Bicycle Rental/Sales/Service	P(1)	P	P	
Boat and Watercraft Sales/Service		P	C	
Book Store	P(1)	P	P	
Building Materials and Supplies				
Computer Store	P(1)	P	P	
Convenience Store	P(1)	P	P	P(2)
Drug Store (excluding Drug Treatment Centers)	P(1)	P	P	
Electrical Appliances and Supplies	P(1)	P	P	
Equipment, Light, Rental/Sales/Service		P	P	
Equipment, Heavy, Rental/Sales/Service- includes truck and tractor sales		C		
Fabric Store		P	P	
Floor Covering Store		P	P	
Furniture and Home Furnishing Stores		P	P	
Garden Supply/Nursery	P(1)	P		
General Merchandise (includes supermarket and department store)	P(1)	P	P	P(2)
Hardware/Home Improvement Store	P(1)	P	P	
Healthcare Equipment and Supplies		P	P	
Liquor Store		P	P	
Manufactured Dwelling Sales/Service/Repair		C		
Office Equipment and Supplies		P	P	
Plumbing Supplies		P	P	
Regional Distribution Center				
Retail trade when secondary, directly related, and limited to products manufactured, repaired or assembled on the development site	P(1)	P	P	
Storage Facility, Household/Consumer Goods, enclosed		P		
Specialty Store (an example includes a gift store)	P(1)	P	P	P(2)
Toy and Hobby Store	P(1)	P	P	
Video Store	P(1)	P	P	
Wholesale Trade (excluding regional distribution center)				
Utilities and Communication				
Amateur Radio Antenna Structure (See EC 9.5050)	S	S	S	S
Broadcasting Studio, Commercial and Public Education		P	P	P(7)

Eugene Code

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Electrical Substation, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P	P	P	P
Fiber Optic Station, must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P	P	P	P
Pump Station, well head, non-elevated reservoir, and other water or sewer facilities must meet landscape standards in EC 9.6210(3) High Screen Landscape Standard (L-3) unless fully enclosed within a building or approved through a Type II procedure that shows low visual impact.	P	P	P	P
Telecommunication Tower or Facility (See EC 9.5750)	S	S	S	S
Water Reservoir, elevated above ground level	SR	SR	SR	SR
Other Commercial Services				
Building Maintenance Services		P	P	
Catering Service	P(1)	P	P	P(2)
Collection Center, Collection of Used Goods (See EC 9.5150)	S	S	S	
Home Occupation (See EC 9.5350)	S	S	S	S
Mortuary		P	P	
Photographers' Studio	P(1)	P	P	
Picture Framing and Glazing	P(1)	P	P	P
Printing, Blueprinting, and Duplicating		P	P	
Publishing Service		P	P	
Temporary Activity (See EC 9.5800)	S	S	S	S
Train Station		C	C	
Upholstery Shop		P	C	
Veterinarian Service	C	P		

(Section 9.2160, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20299, enacted October 22, 2003, effective November 21, 2003, remanded on February 25, 2005 and provisions administratively removed on April 11, 2005; administratively corrected October 27, 2003; amended by Ordinance No. 20305, enacted December 3, 2003, effective January 2, 2004; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; Ordinance No. 20514, enacted July 22, 2013, effective August 24, 2013; and Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)

9.2161 Special Use Limitations for Table 9.2160.

- (1) **Small Business Incentives in C-1.** Each individual business is limited to 5,000 square feet of floor area in new buildings. Individual businesses shall be permitted to occupy up to 10,000 square feet of floor area on development sites that have a floor area ratio (FAR) of at least .65.
- (2) **Retail Sales and Personal Services Allowance in GO.** Retail sales and personal services are allowed in the GO zone only if the use is located within a building that already contains office and/or residential uses. The retail sales

Notes from neighborhood meeting for Zone Change/Plan Amendment:

Several neighbors showed up to the meeting (see attached sign in sheet). Their main issues were as follows:

1. Existing traffic speeds on North Park. Neighbors would like to see some sort of traffic calming on North Park as it passes the elementary school.
2. Concerns about street connectivity/location of street connection through the subject property to North Park
3. Concerns about tree removal on the subject property
4. Concerns about building heights in a C-2 zone (vs the existing C-1)

The applicant explained to the neighbors that they would have the same opportunity to weigh in through future land use activity on the site . . . that neighborhood meetings would be required whether through a site review or subdivision process, and that concerns numbers 2 & 3 above would be more appropriately addressed at that point in time.

It was also conveyed (in regards to concern #1) that North Park is a neighborhood collector and so that the opportunities to slow down traffic on that road were limited.

In general the neighbors were very interested in the ways that going to R-2 would limit the overall impact on the neighborhood (including from a building height and use standpoint). They preferred an R-1 option, but the applicant explained that option would be more difficult to attain given the zoning of adjacent properties.

In regards to the concerns over item #4 (building heights in C-2 zone) the applicant agreed to drop the C-1 to C-2 portion of the zone change application.

NEIGHBORHOOD/APPLICANT MEETING ATTENDEE SIGN-IN SHEET

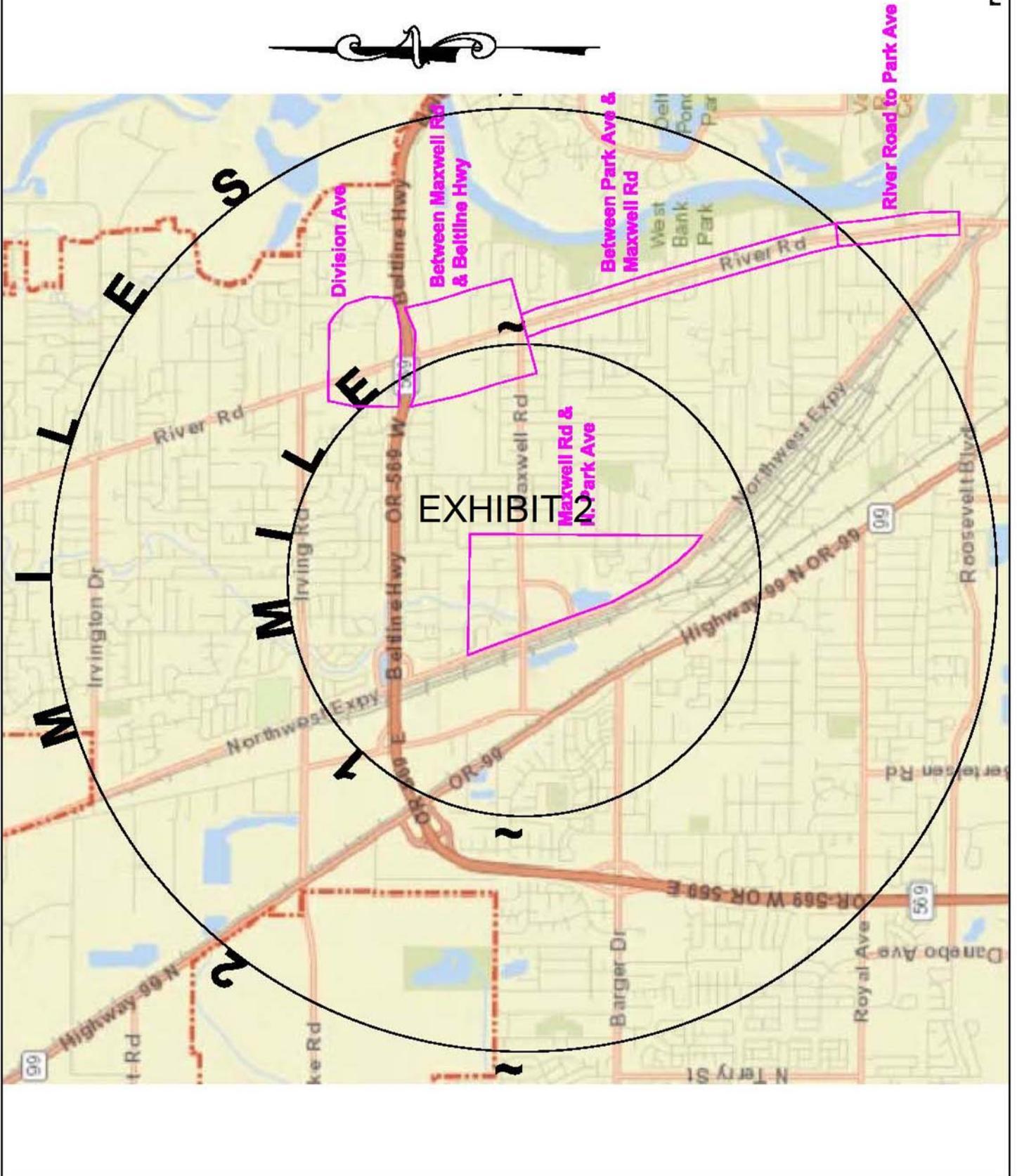
Project: Pennington Acres Metro Plan, Refinement Plan, and Zoning Map Amendments

Meeting Date: August 28, 2015

Facilitator: Jed Truett, AICP

Place/Room: Kelly Middle School Parking Lot Area (850 Howard Avenue Eugene)

Name	Address (optional)	Phone (optional)	E-Mail (optional)
Rick Sorric (Applicant)	1600 Oak Street Eugene, OR 97401		rsorric@yahoo.com
Jed Truett (Applicant's Representative)	370 Q Street Springfield, OR 97477	541-302-9830	jed@metroplanning.com
Karl Mueller, Applicant's Rep	Pc Box 408, Cozall, OR 97452	(541) 915-2411	
JAMES SPACER	1045 MAXWELL RD EUGENE	541-688-2777	Jim Spacer (CJMH)
DELINDA SEACEN	"	"	JR SPACER MSN
Jan Belcher	1243 Rome Ln	541-343-6695	Jan Belcher (CJMH)
Rick Gracen	1041 Maxwell Rd Eug	541-579-8842	
Pat Truett + Karin Wanner	1517 N. Park Ave	541-556-5099	Karin Wanner hotmail.com
Mike + Sharon Truett	1400 Evergreen Bl	541-688-4982	MSJ f. Truett
Sandra K. Duvvuri	285 Harmony Ave	541-520-1053	667 5702 @ Q.com → (C)concept @ Punvcast.net
Sandy Loken	1521 N. Park Ave	541-520-1053	
Cody Schwaner	893 Howard	541-607-1205	201.400.28.28 Cody Schwaner (CJMH)





River Rd to Park Ave
 Maintenance Repair and Sales
 Crazy Curry Restaurant
 Corner Market
 Integrity Auto Repair
 Thrift Store
 Family Karate Center
 Adult Shop
 Money Saver
 Red Baron Travel
 Joel's Appliances
 Las Morenas Mexican
 Executive Auto Detail
 Happy Hour Bar
 The Bakery & Cafe
 Graffiti Alley
 The Welner Hut

Between Park Ave & Maxwell Rd
 7-11
 Lunches to Go
 Burrito
 Barber Shop "The"
 Denture Re-Alignment
 Klink Cycles
 Salon 51
 Double Dragon Chinese Restaurant
 Foxy Dog Grooming
 All Med
 Farmers Insurance
 Railroad 2nd Hand Store
 Toxic Fire Wings
 Auto Rama
 Chiropractic R.R.
 Govinda's Vegetarian Buffet
 River Road Medical
 Auto Barn
 Tattoo Shop
 Total Carpet
 Oregon Integrated Health
 Authentic Mexican Restaurant
 Home Builders Association
 Used Trucks & Cars
 Burrito Boy
 River Road Auto
 Hosanna Dance Studio
 Domino's Pizza
 S & M Gun Shop
 TV Specialty Shop
 Dari Mart
 Lanie's Child Care Center
 Jackson Jones Personal Injury Law Office
 Donald Sherry CPA
 River Road Insurance

Maxwell Road/ N. Park Ave.
 Busy Bee's Preschool
 Community Market
 Fast-N-Fresh Deli
 Valley Restaurant Equipment
 A New Salon and Style
 Nina's Elite Janitorial Services
 Espresso Etc.
 Beautiful Salon & Style

Between Maxwell Rd & Beltline Hwy
 Dr. Robert Gemmill DDS
 Soft Furniture Store- futons
 Happy Garden Chinese Restaurant
 The Car Wash
 Firs Bowl
 Abby's Legendary Pizza
 Pizza Hut
 Bi-Mart
 Key Bank
 Grocery Outlet
 76 Gas Station
 Hawaiian Time
 Metro Express P.C.
 Pacific Continental Bank
 Wells Fargo
 LI's Deli
 Queen Nail's
 Dollar Tree
 The Poker Lounge
 Mongolian Grill
 Lube-It USA
 Aaron's Furniture
 Terry's Diner
 Cal's Doughnuts
 McDonalds
 Carl's Jr
 Bee's Market
 Sy's New York Pizza
 Cosmo Pro.
 River Road Veterinary Hospital
 Dare 2 Care Learning Center
 Out Front Media
 Scott's Bicycle Repair

Division Ave
 Les Schwab Tires
 US Bank
 Mini Pet Mart
 Fred Meyer/ Gas Station
 Papa John's Pizza
 Liquor Store
 Chase Bank
 Starbucks Coffee
 Taco Bell
 St. Vincent De Paul
 Edge Water Home Furniture
 Pacific Cascade Federal Credit Union
 River Road Physical Therapy
 Burger King
 Goodwill
 Sally's Beauty Supply
 The UPS Store
 AT & T
 El Kiosco Mexican Restaurant
 Greek Paradise
 Armed Forces Career Center
 Anytime Fitness
 Fran's Optical
 State Farm
 Hair Master
 Bob Cat Pets
 Dairy Queen
 Santa Clara Animal Hospital
 Jalisco's Mexican Restaurant

METROPOLITAN RESIDENTIAL LAND AND HOUSING STUDY JANUARY 1995 SITES IN SUBAREA 10- RIVER ROAD

YEAR OF PHOTO: 2013



PLAN DESIGNATION	SITE NUMBERS
Low Density (Sites at 10+ acres)	
Medium Density (Sites at 1+ acre)	1-13
High Density (Sites at 1+ acre)	
Mixed Use (Sites at 1+ acre)	

DETAIL



SEE DETAIL



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METROPOLITAN RESIDENTIAL LAND AND HOUSING STUDY JANUARY 1995 SITES IN SUBAREA 10- RIVER ROAD

DETAILED AERIAL PHOTOS OF SITES

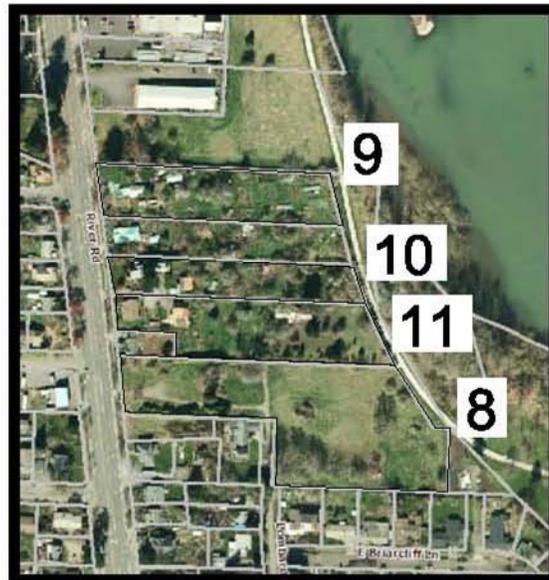
YEAR OF PHOTO: 2013



DETAIL "A"



DETAIL "B"



DETAIL "C"



METROPLANNING
541-302-9830
metroplanning.com

Legal Description

Lot 41 and Lot C of Pennington Acres as platted and recorded in Lane County Deeds and Records as Instrument Number 2015-044113.

**Oregon Administrative Rule (OAR) 660-012-0060
Transportation Planning Rule (TPR)**

Transportation Planning Rule Analysis (TPRA)

Date: March 28, 2016

To: Zach Galloway

From: Scott Gillespie PE

Application: MA 15-3, RA 15-2 Z 15-7 Brenelaine Investments

The following referral comments from Public Works staff reflect a preliminary evaluation of compliance with Oregon Administrative Rule (OAR) 660-012-0060 Transportation Planning Rule (TPR). These referral comments include draft findings and recommended conditions of approval, as well as related informational items identified by Public Works staff in the context of the applicable standards and criteria. These referral comments are intended for review by Planning staff, for incorporation into the City's written decision on the subject application, however, they do not represent a final determination of compliance with the applicable approval standards and criteria. It is acknowledged that these referral comments are subject to revision upon further coordination with other affected agencies.

Staff referral and recommendations are based upon the land use assumptions made in the applicant's traffic study. Public Works staff defers to Planning for the review and approval of the proposed land uses and corresponding worst case development scenarios.

The applicant has provided transportation analysis to support a request for a metro plan designation change from commercial to medium density residential. The property includes Lot 08600 and 08900 of Assessor's Map 17-04-14-32. The subject property appears to be currently designated commercial in the current Eugene Metro Plan Diagram. The site is currently spilt zoned GO/WR/SR and C-1/SR.

The applicant prepared a project trip generation study from an assumed worst case development scenario to quantify the impacts of the MDR designation. City staff concurred with the scope of study. The applicant has provided analysis consistent with the agreed scope of work.

Oregon Administrative Rule (OAR) 660-012-0060: Transportation Planning Rule -- Plan and Land Use Regulation Amendments

(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.

The subject property abuts North Park Ave, Maxwell and the Maxwell Connector. North Park is classified as a neighborhood collector on the adopted street classification map. North park is under the jurisdiction of Lane County. North Park is currently improved to neighborhood collector standards including travel lanes, bike lanes (on the subject property side only), sidewalks (on the subject property side only), street lighting and drainage controls. Maxwell is classified as a minor arterial on the adopted street classification map. Maxwell is under the jurisdiction of Lane County. Maxwell is currently improved to arterial street standards including travel lanes, center turn lane, bike lanes, sidewalks, street lighting and drainage controls. Maxwell Connector is classified as a local street. Maxwell Connector is under the

jurisdiction of Lane County and serves as a quasi on/off ramp for the NW Expressway. Access is restricted to the Maxwell Connector and it is not designed or intended for multi modal travel. Maxwell connector is currently improved to minimum local standards including travel lanes and wide shoulders. The intersection of Maxwell with North Park and the Maxwell Connector are currently unsignalized. The intersections are not planned to be signalized.

The current TSP (Transplan) was developed assuming vehicular impacts and growth based upon the commercial plan designation. North Park, Maxwell and the Maxwell Connector were not identified as having substandard vehicular capacity during the planning horizon. A project was programmed (#530) at the intersection of Maxwell and the northwest expressway to construct an overpass and signalized connection. Lane County has reconstructed this intersection and abandoned the concept of a grade separated crossing of the NW expressway.

The applicant has proposed to designate a portion of the property to medium density residential that is currently designated as commercial. The existing portion of commercial designation zoned C-1/SR will remain unchanged. Worst case development scenario under the MDR designation will result in decreased trip generation below the generation assumed for the commercial designation. The applicants engineer performed a trip generation study to compare the peak hour trips expected for the proposed designation of MDR in comparison to the current planned designation of commercial. The analysis report assumed a mix of offices, convince store, drinking place, restaurant, and bank as the proposed worst case development scenario for the commercial designation. All proposed uses are consistent with the commercial designation. The applicants engineer prepared trip generation for the proposed MDR designation by assuming a net density of 28 units per acres. This resulted in a maximum unit count of 157 for the reasonable worse case development scenario under the proposed MDR designation. The result was a reduction of 244 trips in the AM peak hour and a reduction of 283 trips during the PM peak hour.

The net reduction in trips does not warrant an analyses of the surrounding transportation system and would not trigger operations and/or capacity analyses under current City of Eugene standards. The reduction of 244 AM peak hour trips and 257 PM peak hour trips for the system results in a proportional net reduction in impact to the system as the surrounding transportation system was planned for larger volumes under the planned commercial designation. The decrease in planned trip results in a reduced impact to capacity, operations and safety of the surrounding transportation systems. The proposed MDR designation would have no negative effect on the surrounding transportation system. The cumulative result of the metro plan change was no significant impact to the proposed or planned transportation system.

The traffic impacts from proposed MDR designation would result in a reduction of

planned vehicular trips and would not warrant a change in the function classification of an existing or proposed transportation facility. The existing transportation system has adequate capacity to serve the worst case commercial designation development scenario. There are no proposal or plans to change the standards for implementing a functional roadway classification system. Access and levels of travel are projected to be maintained. The surrounding intersections are not projected to exceed minimum level of service through the planning horizon. The decrease in traffic attributed to the MDR designation is not projected to degrade the performance of the existing transportation system below performance thresholds established in the current TSP.

Public Works staff agrees there is no significant effect on the transportation system as a result of the proposed MDR designation.

(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.

The applicant has provided a trip generation study that analyzed and compared assumed impacts used to prepare the current TSP. The applicant has demonstrated the proposed MDR designation and associated worst case scenario land uses are consistent with the function, capacity and performance standard assumptions established in the current TSP. As a result, there is no significant effect on the transportation system as a result of the proposed metro plan change. This criterion does not apply.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

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

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

(c) The amendment does not involve property located in an interchange area as defined in paragraph

(4)(d)(C); and

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

The applicant is not proposing an amendment that would significantly affect an existing or planned transportation facility. Therefore this criterion does not apply.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization

(MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

The proposed plan designation change does not result in additional impacts to the planned facilities of other jurisdictions. North Park , Maxwell and the Maxwell Connector are under the jurisdiction of Lane County. The applicant provided analysis that is consistent with the agreed scoping letter. Therefore, this criterion does not apply.

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

The applicant is not pursuing an exception under OAR 660-004-0022 and 660-004-0028. Therefore this criterion does not apply.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)-(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the

Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the

10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with OAR 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

The applicant is not requesting a trip reduction for potential mixed-use. The proposed metro plan change results in a reduction of traffic and the applicant has demonstrated no significant effect on the surrounding transportation system consistent with subsection 1 of this rule. The application is consistent with the current TSP. Therefore this criterion does not apply.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan,

access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

- (a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;
- (b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012- 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and
- (c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

The proposed metro plan change will not result in the 2 or more acres of land designated for commercial use. The City of Eugene has an adopted TSP (Transplan). The applicant has provided transportation analysis consistent with the City's TSP policies that demonstrates no significant effect to the transportation systems in conformance with subsection 1 of this rule. Therefore this criterion does not apply.

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

- (a) Any one of the following:
 - (A) An existing central business district or downtown;
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
 - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
 - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
- (b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:
 - (i) Medium to high density residential development (12 or more units per acre);
 - (ii) Offices or office buildings;
 - (iii) Retail stores and services;
 - (iv) Restaurants; and

- (v) Public open space or private open space which is available for public use, such as a park or plaza.
- (B) Generally include civic or cultural uses;
- (C) A core commercial area where multi-story buildings are permitted;
- (D) Buildings and building entrances oriented to streets;
- (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
- (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
- (G) One or more transit stops (in urban areas with fixed route transit service); and
- (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

The applicant is not requesting any characterization or consideration for mixed use development. Therefore this criterion does not apply.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

The proposed plan designation and zoning of the property is not consistent with the zoning at the time Transplan was implemented. The applicant has demonstrated there is no significant in impact in accordance with section 1 of this rule. Therefore this criterion does not apply.

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) with a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) entirely within an urban growth boundary;

(C) with adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) with land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) located in one or more of the categories below:

(i) at least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph(b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

- (i) whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;
- (ii) whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and
- (iii) whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

The applicant is not proposing to classify the potential development as a mixed use multi modal area. The applicant has demonstrated there is no significant in impact in accordance with section 1 of this rule. Therefore this criterion does not apply.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) “industrial” means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) “traded-sector” means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for “Other Employment Use” or “Prime Industrial Land” as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given

in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

- (A) Proposed amendment.
- (B) Proposed mitigating actions from section (2) of this rule.
- (C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.
- (D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.
- (E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

The analysis has demonstrated that there is no significant effect on the transportation system. The City of Eugene has an adopted TSP (Transplan). The applicant has provided transportation analyses consistent with the City of Eugene's TSP policies. An amendment is not being proposed that requires the balancing test. The applicant has demonstrated there is no significant in impact in accordance with section 1 of this rule. Therefore this criterion does not apply.

***Public works recommends approval of the zone change from commercial to MDR based upon the applicant's demonstration of no significant impact under subsection 1 of this rule.**