

## Exhibit B

# Findings for Ordinance Establishing Sufficiency of Eugene UGB for Purposes of Residential Land

The findings, below, present State criteria first, then local government criteria. The State criteria are presented in order of the Statewide Planning Goals. State statutes and administrative rules are addressed under the Statewide Planning Goal to which they relate.

## Statewide Planning Goal 1 – Citizen Involvement

**Statewide Planning Goal 1 -- “To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”**

The actions taken by this ordinance do not amend or affect either jurisdiction’s state acknowledged citizen involvement program. Therefore, Statewide Planning Goal 1 does not directly apply to these City actions.

The City’s citizen involvement program was adopted into the Eugene Code. It includes a formal land use review procedure with public notification, meetings and hearings. The public engagement actions for the Envision Eugene work were completed consistently with the acknowledged citizen involvement program and went far beyond the requirements of that program to ensure that citizens had opportunities to be involved in the process. The “Envision Eugene Public Engagement” document, included in the record, summarizes the Envision Eugene public engagement efforts used to educate the public and obtain feedback on the 20-year growth planning efforts, from the visioning process to the actions taken by this ordinance.

## Statewide Planning Goal 2 – Land Use Planning

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

The Eugene code specifies the procedures and criteria that were used in considering these amendments. The findings documents show that the record includes an adequate factual base for the amendments. The record shows the City studied its residents’ 20-year needs for housing, compiled an inventory of lands and other factual information related to Goals 10 and 14, evaluated alternative courses of actions and made ultimate policy choices based on the criteria addressed in more detail throughout these findings.

Consistent with the Goal 2 coordination requirement, there was a significant exchange, or invitation for such an exchange, between the City and affected governmental units. The information obtained in these exchanges was used to balance the needs of the citizens. Although the actions taken by this ordinance

do not clearly require action by Lane County (they establish that the Eugene UGB includes sufficient land for residential needs, and do not require any changes to the UGB), Lane County has chosen to consider adoption of an ordinance to co-adopt the change to the Metro Plan, and to adopt the Envision Eugene comprehensive plan amendments “to the extent they apply to the Eugene urbanizable area.” The City consulted with surrounding jurisdictions and invited their comment. Coordination with regard to the residential supply and demand work related to this ordinance included the following:

- The **Department of Land Conservation and Development (DLCD)** was engaged through notice of the proposed action, regular contact with the City of Eugene’s regional representative, and periodic presentations at DLCD where staff was invited to comment on the proposed action.
- **Lane County** was invited to (and did) send a County Commissioner to participate in the Community Resource Group during the early visioning phase of the Envision Eugene project. City staff collaborated with County staff to provide informational updates and presentations to the County Planning Commission and Board of Commissioners at key points in the Envision Eugene process. The County also participated in the adoption process for the measure that re-designated land for low density residential housing.
- **City of Springfield** was engaged through notice of the proposed action and opportunity to comment.
- **City of Junction City** was engaged through direct communication with Planning staff, including discussion of the proposed action and opportunity to comment.
- **City of Creswell** was engaged through direct communication with Planning staff, including discussion of the proposed action and opportunity to comment.
- **Junction City Water Control District** was engaged through direct involvement in the identification of concerns and strategies regarding the UGB expansion near its jurisdictional boundaries.
- **Bethel School District** was engaged through coordination on identifying its 20-year land need that would occur on residential land.
- **Eugene School District 4J** was engaged through coordination on identifying its 20-year land need, or lack thereof, and its impact on the residential land supply.
- **University of Oregon** was engaged through meetings early in the process and at key points along the way to identify needs that would occur on residential land and any concerns.
- **Lane Transit District (LTD)** was engaged through meetings early in the process and at key points along the way to identify needs and concerns.
- **Eugene Water and Electric Board (EWEB)** was engaged through direct coordination regarding the delivery of services within the current UGB , and through planning of their downtown riverfront site which added capacity to increase housing inside the current urban growth boundary.

## Statewide Planning Goal 3 – Agricultural Lands

### **Statewide Planning Goal 3 -- “To preserve and maintain agricultural lands.”**

The actions taken by this ordinance address only property located within the urban growth boundary and do not affect any land designated for agricultural use. To the extent this action could be

characterized as “establishing a UGB,” 660-024-0020 (Adoption or Amendment of a UGB) provides that Goal 3 is not applicable when establishing a UGB. Therefore, Statewide Planning Goal 3 does not apply.

## Statewide Planning Goal 4 – Forest Lands

### **Statewide Planning Goal 4 -- “To conserve forest lands. . .”**

The actions taken by this ordinance address only property located within the urban growth boundary and do not affect any land designated for forest use. To the extent this action could be characterized as “establishing a UGB,” 660-024-0020 (Adoption or Amendment of a UGB) provides that Goal 4 is not applicable when establishing a UGB. Therefore, Statewide Planning Goal 4 does not apply.

## Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

### **OAR Chapter 660, Division 23**

### **Statewide Planning Goal 5 -- “To protect natural resources and conserve scenic and historic areas and open spaces.”**

**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 factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.**

The actions taken by this ordinance: do not create or amend the City’s or County’s list of Goal 5 resources or a plan or regulation 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 UGB. Therefore, Statewide Planning Goal 5 does not apply. See also OAR 660-024-0020(1)(c).

## **Statewide Planning Goal 6 – Air, Water and Land Resources Quality**

**Statewide Planning Goal 6 -- “To maintain and improve the quality of the air, water and land resources of the state.”**

The State has not yet adopted specific requirements for complying with Statewide Planning Goal 6. The City is in compliance with environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. The actions taken are consistent with the City’s future compliance with those laws. Land that has been protected by the City under Statewide Planning Goal 6 authority (land with the Water Quality Waterways Overlay Zone) was excluded from the City’s inventory of buildable residential land as “protected land.” See Envision Eugene Residential Land Supply Study Parts I and V. In addition, new development will be required to comply with the City’s stormwater standards. The areas are subject to the regulations of the Lane Regional Air Protection Agency and, upon annexation, the Eugene Toxics Right to Know board.

## **Statewide Planning Goal 7 – Areas Subject to Natural Hazards**

**Statewide Planning Goal 7 -- “To protect people and property from natural hazards.”**

The State has not yet adopted specific requirements for complying with Statewide Planning Goal 7. In determining which areas are appropriate for future development and, therefore, included on the City’s Residential Buildable Land Inventory, the City considered the existence of natural hazards in terms of slope and flood hazards, eliminating areas with such hazards from the inventory. See Parts I and V of the Envision Eugene Residential Land Supply Study. Existing regulations intended to address hazard areas in the context of proposed developments will continue to apply.

## **Statewide Planning Goal 8 – Recreation Needs**

**Statewide Planning Goal 8 -- “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 focuses on the provision of destination resorts. However, it does impose a general obligation on the City to plan for meeting its residents’ recreational needs. The actions taken by this adoption package pertain only to its housing supply and demand. The City’s supply of and demand for Parks are addressed in a separate ordinance. Statewide Planning Goal 8 does not apply to the actions taken by this ordinance.

## Statewide Planning Goal 9 – Economic Development

**OAR Chapter 660, Division 9**

**Statewide Planning Goal 9 -- “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 the City to provide, through a comprehensive plan, an adequate supply of sites for employment uses. This action addresses only the supply of, and demand for, residential land. It does not include any actions that change the comprehensive plan designation to, or from, an industrial or commercial use. Therefore Statewide Planning Goal 9 does not apply to the actions taken by this ordinance.

## Statewide Planning Goal 10– Housing

**ORS 197.296, 197.304  
OAR Chapter 660, Division 8**

**Statewide Planning Goal 10 -- “To provide for the housing needs of citizens of the state.”**

**Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.**

The actions taken through this ordinance include the adoption of an inventory of buildable lands for residential use. See Part V of the Envision Eugene Residential Land Supply Study. As explained in Parts II and IV of that Study, the City encourages the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Eugene households and allow for flexibility of housing location, type and density.

### **Oregon Revised Statutes**

**197.296 Factors to establish sufficiency of buildable lands within urban growth boundary; analysis and determination of residential housing patterns.**

**(2) At [a]. . .legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to**

**buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.**

The actions taken by this ordinance are the result of a legislative review of the location of Eugene's UGB, as required by the legislature's 2007 passage of HB 3337 (ORS 197.304). The detailed findings that follow demonstrate that the Eugene UGB provides sufficient buildable lands to accommodate estimated housing needs for the 20-year period: 2012-2032.

The legislative review of Eugene's UGB began in 2007/2008. At that time, the City scheduled completion of this legislative review for 2012. This was specified by the City in the initial DLCD notice of the amendment. The Notice to DLCD was sent in October, 2012. That notice specifically stated that the City initially scheduled final adoption for 2012. DLCD staff confirmed, at that time, that the notice had "locked in" 2012 as the commencement date.

Correspondence with DLCD staff confirmed that 2012 was, therefore, the fixed commencement year for Eugene's 20-year planning period. LCDC and the Oregon Courts have recognized that it takes an unpredictably long time for local governments to address the policy, planning and legal efforts required establish the sufficiency of a city's UGB.

**(3) In performing the duties under subsection (2) of this section, a local government shall:**

**(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands**

The City's work to inventory of the supply of buildable lands within the Eugene UGB is documented in the Envision Eugene Residential Land Supply Study. Part I of that Study documents the supply of residential sites that had some housing capacity at the commencement of the planning period, in 2012. Part II of the Study is the Housing Needs Analysis ("HNA"), which includes (in its Chapter 4) the housing capacity of different kinds of buildable residential sites in the City's UGB; not all buildable land on the City's inventory has the same housing capacity. The HNA explains why some buildable land is expected to be developed more densely than other land. Part III of the Study accounts for the diminished capacity that results from other uses occurring on residentially-designated land and Part IV of the Study, Measures to Increase Residential Development, accounts for the additional capacity achieved through measures to increase residential development. Part V, Residential Buildable Lands Inventory (2012-2032), is the City's final inventory of the City's buildable land for the 2012-2032 planning period, including the assumed development capacity of that land, taking into account all the factors address in Parts I-IV.

See also, findings under (4), below.

**(b) Conduct an analysis of housing need by type and density range, in accordance with ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.**

The analysis required by this statute is included in the HNA (Part II of the Envision Eugene Residential Land Supply Study). Specifically, Chapter 3, section 3.6.2 of the HNA identifies the mix of different types of housing needed, as shown in Tables 29-31. Section 2.1 and 3.6.1 of Part II HNA address housing mix. Eugene's needed housing mix is identified as 55% single-family detached and 45% multi-family. Based on this housing mix, HNA Table 28 shows the 15,105 dwellings needed for 2012-2032 in the following housing types:

- The HNA analyzes the City's needs from 2012-2032 and determines the City needs 1,208 units of attached single family housing.
- The HNA analyzes the City's needs from 2012-2032 and determines the City needs 8,308 units of Detached single family housing. This estimate includes manufactured homes on individual subdivision lots or within parks.
- The HNA analyzes the City's needs from 2012-2032 and determines the City needs 5,589 total units of Multi-family housing.
- Eugene's HNA did not identify need for government assisted housing because the City does not regulate government assisted housing differently than other housing of its type.<sup>1</sup> The City's code does not include special siting requirements for government assisted housing, i.e. the City allows government assisted multifamily housing wherever other types of multifamily housing are allowed. Similarly, the HNA did not identify need for manufactured homes on individual lots because the City does not have special siting criteria for this type of housing. The City included need for manufactured home units on individual lots in the forecast for single-family detached housing.<sup>2</sup>
- Manufactured units in manufactured home parks are forecast to locate in Low Density plan designations. The City included need for manufactured home units in manufactured home parks in the forecast for single-family detached housing.<sup>3</sup>
- Eugene's HNA did not identify a need for housing for farmworkers.

Section 3.6.2 of the HNA includes an analysis of Eugene's 15,105 dwelling need by income and tenure. HNA Table 29, included below, shows an estimate of needed housing by structure type and tenure for the 2012-2032 planning period, using the housing forecast in HNA Table 28. The housing needs analysis assumes that homeownership rates will not change in the future, remaining at 50% owner-occupied and 50% renter occupied.

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<sup>1</sup> OAR 660-024-0040(8)(b) provides a safe harbor stating: "If a local government does not regulate government-assisted housing differently than other housing types, it is not required to estimate the need for government-assisted housing as a separate housing type."

<sup>2</sup> OAR 660-024-0040(8)(c) provides a safe harbor stating: "If a local government allows manufactured homes on individual lots as a permitted use in all residential zones that allow 10 or fewer dwelling units per net buildable acre, it is not necessary to provide an estimate of the need for manufactured dwellings on individual lots."

<sup>3</sup> OAR 660-024-0040(8)(d) provides a safe harbor stating: "If a local government allows manufactured dwelling parks required by ORS 197.475 to 197.490 in all areas planned and zoned for a residential density of six to 12 units per acre, a separate estimate of the need for manufactured dwelling parks is not required."

**Table 29. Baseline estimate of needed dwelling units by type and tenure, Eugene, 2012-2032**

Structure Type	Owner-Occupied		Renter-Occupied		Total	
	New DU by Type	Percent by Type	New DU by Type	Percent by Type	New DU by Type	Percent of Total DU
Single-family detached	6,646	80%	1,662	20%	8,308	55%
Single-family attached	362	30%	846	70%	1,208	8%
Two to four units	181	10%	1,632	90%	1,813	12%
Five or more units	378	10%	3,398	90%	3,776	25%
<b>Total dwelling units</b>	<b>7,567</b>		<b>7,538</b>		<b>15,105</b>	<b>100%</b>
<b>Total Tenure</b>		<b>50%</b>		<b>50%</b>		

Source: ECONorthwest

HNA Table 30 included below shows the type of unit by tenure that is financially attainable within each of the income categories. The analysis shows that for the lower middle, low and very low income households, housing will be primarily used housing (existing housing stock) and will more likely be renter-occupied.

**Table 30. Estimate of needed dwelling units by income level, Eugene, 2012-2032**

Market Segment by Income	Income range	Number of Households	Percent of Households	Financially Attainable Products		
				Owner-occupied	Renter-occupied	
High (120% or more of MFI)	\$71,040 or more	4,019	27%	All housing types; higher prices	All housing types; higher prices	↑ Primarily New Housing
Upper Middle (80%-120% of MFI)	\$71,040 to \$47,360	1,750	12%	All housing types; lower values	All housing types; lower values	
Lower Middle (50%-80% of MFI)	\$47,360 to \$29,600	2,944	19%	Manufactured on lots; single-family attached; duplexes	Single-family attached; detached; manufactured on lots; apartments	↓ Primarily Used Housing
Low (30%-50% or less of MFI)	\$29,600 to \$17,760	2,440	16%	Manufactured in parks	Apartments; manufactured in parks; duplexes	
Very Low (Less than 30% of MFI)	Less than \$17,760	3,952	26%	None	Apartments; new and used government assisted housing	

Source: Analysis by ECONorthwest;  
Number of households by income range from the 2008 American Community Survey, Table B19001  
Income range based on HUD's 2008 Median Family Income of \$59,200.

HNA Table 31 provides an allocation of housing units by Eugene's three residential plan designations and commercial plan designations, showing a baseline estimate of how many units need to be accommodated in each plan designation.

**Table 31. Allocation of new housing units by plan designation, Eugene, 2012-2032**

Housing Type	Plan Designation			Total (DU)
	Low Density Residential	Medium Density Residential	High Density Residential	
<b>Percent of Units</b>				
Single-family detached	97%	3%	0%	100%
Single-family attached	17%	53%	30%	100%
Two to four units	27%	68%	5%	100%
Five or more units	0%	30%	70%	100%
<b>Number of Units</b>				
Single-family detached	8,059	249	0	8,308
Single-family attached	205	640	362	1,207
Two to four units	490	1,233	91	1,814
Five or more units	0	1,133	2,643	3,776
<b>Total</b>	<b>8,754</b>	<b>3,255</b>	<b>3,096</b>	<b>15,105</b>
<b>Percent of Units</b>	<b>58%</b>	<b>22%</b>	<b>20%</b>	<b>100%</b>

Source: ECONorthwest

Note: Single-family attached dwellings and structures with two to four units in commercial designations are assumed to develop at the density assumptions used for medium density plan designations. Structures with five or more units in commercial designations are assumed to develop at the densities assumed for high density plan designations.

**(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, “buildable lands” includes:**

- (A) Vacant lands planned or zoned for residential use;**
- (B) Partially vacant lands planned or zoned for residential use;**
- (C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and**
- (D) Lands that may be used for residential infill or redevelopment.**

The Envision Eugene Residential Land Supply Study includes an explanation of the City’s 2012-2032 Residential Buildable Lands Inventory (Parts I-IV of the Study) and the Inventory itself, located in Part V of that Study. Part I of that Study is an analysis of the land supply at the commencement of the planning period (2012) that is carried through to the final BLI in Part V, except to the extent that efficiency measures have made changes to that land supply. Throughout the Study, as demonstrated in the Figures and text of the final BLI in Part V, the documented residential land supply includes (based on Metro Plan designation): (A) vacant lands planned for residential use; (B) partially vacant lands planned for residential use; (C) assumed capacity for some residential development on land planned for a mix of uses; and (D) assumed capacity for some residential development through redevelopment. See Part I of the Residential Land Supply Study; Part II (at Chapter 4); Part III (accounting for the impacts of other uses on residential land); Part IV (listing measures 1-4 and 5-7 as the measures that will result in additional vacant, partially vacant, infill and redevelopment land and/or lands that may be used for a mix of residential and employment uses).

**(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:**

**(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;**

Table 2 in Part I of the City's Residential Land Supply Study identifies the GIS data layers used to identify and account for areas subject to regulatory prohibitions or restrictions on residential development (e.g. floodway, Goal 5 or Goal 6 protections).

**(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and**

The City received no long term contract or easement for radio, telecommunications or electrical facilities.<sup>4</sup>

**(C) The presence of a single family dwelling or other structure on a lot or parcel.**

As discussed further in Part I of the City's Residential Land Supply study, sites with an improvement value of \$1,000 or more where initially categorized as developed sites. The City then engaged in a parcel-by-parcel review of all larger sites with an existing residential use, to determine if any of these sites have additional room for development and could be categorized as partially vacant land. To determine the capacity of the partially vacant buildable lands, Part II of the Study, the City's Housing Needs Analysis, describes how the consideration of the presence of existing development, such as a single-family home, resulted in an adjustment to the buildable land acreage totals of the site for existing development. See Part II, section 4. The appropriate density assumption was then applied to those adjusted acres.

**(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.**

The City's BLI for the 2012-2032 planning period is located at Part V of its Residential Land Supply Study. The BLI includes the final land supply maps that are produced at a scale and offered in .pdf so that they may be used to verify and identify specific parcels that have been determined to be buildable lands. The land supply maps for (Part V Figures 1 and 2) are more specific than required by this provision because they are at a subtax-lot level.

**(5) (a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity and need pursuant to subsection (3) of this section must be based on data relating to land within the urban growth boundary that has been collected since the last periodic review or five years, whichever is greater.**

**(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the**

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<sup>4</sup> The City did exclude land shown on the BPA easement layer from GIS as "committed" areas. Some land was removed from the initially documented supply of partially vacant land because it has a radio tower on it.

**local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity and need. The shorter time period may not be less than three years.**

**(c) A local government shall use data from a wider geographic area or use a time period for economic cycles and trends longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.**

The City's last periodic review ended on April 17, 2007. The first year of the 20-year planning period is 2012. Therefore, ORS 197.296(5)(a) would require the City to rely on a five-year data set from 2007 through 2012. Instead, the City relied on the exception set out in (5)(c). The City determinations of housing capacity and need are based on data relating to land within the UGB from 2001 through 2012.<sup>5</sup> This longer time period was used for a few reasons. The City adopted a new land use code in 2001.<sup>6</sup> Analysis of actual development under that new land use code for this longer time period provides more accurate, complete and reliable data relating to trends affecting housing need than a five-year analysis. In addition, the five year period described in this statute would have concentrated on years of nationwide economic recession.

Section 3 in Part II HNA of the City's Residential Land Supply Study summarizes the data used consistent (A) through (E). In addition to the data described in (A) through (E), below, the data collected and used includes:

- The land supply data layers listed in the Part I of the Residential Land Supply Study;
- The public and semi-public demands on residential land as described in Part III of the Residential Land Supply Study; and
- The employment demand/uses on residential land.

**The data shall include:**

**(A) The number, density and average mix of housing types of urban residential development that have actually occurred;**

Consistent with the above, this data is included in detail in section 2.1 and 3.6.1 of the City's Housing Needs Analysis (Part II of the Residential Land Supply Study).

**(B) Trends in density and average mix of housing types of urban residential development;**

Consistent with the above, this data is included in detail in section 2.2 and 2.4 of the City's Housing Needs Analysis (Part II of the Residential Land Supply Study).

**(C) Demographic and population trends;**

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<sup>5</sup> The City's determination is based on 2001-2012 data except where noted. There are a few instances where the data relied on is 2001-2008 data. In either case, the data is from a period exceeding 5 years.

<sup>6</sup> The new code would alter development patterns due to changes such different requirements for minimum and maximum densities in residential zones and off-street parking ratios.

Consistent with the above, this data is included in detail in the City's Housing Needs Analysis (Part II of the Residential Land Supply Study) at Sections 3.2.1 (national trends), 3.3.1 (State trends), 3.1 and 3.3.2 (local and regional).

**(D) Economic trends and cycles; and**

Consistent with the above, this data is included in detail in the City's Housing Needs Analysis (Part II of the Residential Land Supply Study) at sections 3.2.1 (national trends), 3.3.1 (State trends), and 3.4 through 3.5.2 (local trends including housing affordability).

**(E) The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.**

The City's analysis includes the housing that has occurred on buildable land between 2001 and 2012. The City's Housing Needs Analysis (Part II of the Residential Land Supply Study) at Tables 4 through 8 shows the number, density and mix of housing types that occurred on vacant land. These averages are assumed to have been similar for partially vacant land since that land is similar to vacant with the exception of existing development. Step 4 in the Part I of the Residential Land Supply Study discusses the amount of housing seen during the same period on redevelopment and mixed use land.

**(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or more of the following actions to accommodate the additional housing need: \*\*\***

The 20-year (2012-2032) housing need determined in the HNA (Part II of the Residential Land Supply Study) was, for specific types of housing, determined to be greater than the housing capacity of the residential land supply at the commencement of the planning period (2012) for those specific types of housing. As documented in the conclusion of Part III of the Residential Land Supply Study, the Eugene UGB had a deficit of about 133 acres of Low Density Residential land for single-family detached housing. There was also a deficit projected of about 91 acres of High Density Residential land for housing types of five or more units and single-family attached housing. The detailed allocation of housing types by comprehensive plan designation is provided in detail in the HNA Table 31. Based on these conclusions, the City took the actions described in (6)(b), as explained, below.

**(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; \*\*\***

To address the need for about 133 more acres of Low Density Residential land and about 91 acres of High Density Residential land, the City took several actions. Those actions are described in Part IV of the Residential Land Supply Study. The Residential Land Supply Study is adopted, by this action, as an Appendix to the Eugene Comprehensive Plan. Part IV of the Study is entitled "Measures to Increase Residential Development." See findings under (9), below, regarding the effect these measures are likely to have.

The City has also established a growth monitoring program. See policies 10.8-10.12 of the Administration and Implementation chapter of the Envision Eugene Comprehensive Plan. Through that program, the City will provide information to the community and decision makers so that both may periodically assess the validity of growth planning assumptions and the effectiveness of the City's growth management strategies, such as the level of development activity and the development density achieved by housing type referred to in this provision.

**(8) (a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.**

As explained above, subsection (6), allows a City to address a shortage of residential land by amending its comprehensive plan and land use regulations "to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary." In fact, Statewide Planning Goal 14 requires that cities take actions under (6) if possible. Goal 14 prohibits cities from expanding their UGBs unless they have demonstrated that their citizens' needs cannot be reasonably accommodated on land already inside the UGB. The City of Eugene has taken such actions under (6). This Findings document demonstrates (or directs the reader to the demonstration) that those (6) comprehensive plan and land use regulations comply with the Statewide Planning Goals and rules adopted by LCDC. The next several pages of findings demonstrate that the actions taken under (6) also implement ORS 197.295 to 197.314.

**(b) The local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.**

The actual density and mix of housing types at the commencement of the planning period (2012) are set out in section 3.6.1 of the HNA (Part II of the Residential land Supply Study). The needed / anticipated density and mix of housing types over the 20-year planning period, as a result of the (6) efficiency measures taken, are set out in section 3.6.2 of the HNA. See findings under (6)(b), above regarding the City's monitoring plan.

**(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section and is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section. Actions or measures, or both, may include but are not limited to:**

- (a) Increases in the permitted density on existing residential land;**
- (b) Financial incentives for higher density housing;**

- (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- (d) Removal or easing of approval standards or procedures;
- (e) Minimum density ranges;
- (f) Redevelopment and infill strategies;
- (g) Authorization of housing types not previously allowed by the plan or regulations;
- (h) Adoption of an average residential density standard; and
- (i) Rezoning or redesignation of nonresidential land.

The measures taken by the City under (6) include (b), (d), (e), (f) and (g). All of the City's efficiency measures are described in more detail in Part IV of the "Envision Eugene / Residential Land Supply Study."

The land zoned for needed housing in Eugene is in locations appropriate for the needed housing types permitted there and is zoned at density ranges that are likely to be achieved by the housing market. As required by other laws / rules, the City's analysis is based on comprehensive plan designations. Residentially-designated land is either already zoned consistently with the comprehensive plan designation or is otherwise eligible to rezone to the comprehensive plan designation. The analysis to arrive at assumptions about the capacity of the residential land took into account constraints that could limit residential development on residential land. The allocation of housing types to each plan designation and the density assumptions used are derived from the housing type allocations and densities actually seen in these plan designations during the development review period. Exceptions are noted in Part IV of the Residential Land Supply Study (entitled "Measures to Increase Residential Development"), such as exceptions for housing on Commercial land a proforma type analysis was used demonstrating that housing would occur on Commercial land with financial incentives.

**197.307 (3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.**

Every type of housing needed in Eugene through 2032 is permitted, with sufficient buildable land zoned to completely satisfy the needs through 2032. As explained in findings above, the City's Final Residential Land Supply (Part V of the Envision Eugene / Residential Land Supply Study) describes the areas within the UGB that have some buildable capacity for needed housing. The assumed development capacity of that land is specified -- it varies based on a particular site's size, elevation, slope and land use designation -- in the final BLI for 2012-2032 at Part V of the Envision Eugene / Residential Land Supply Study. When taken together, the inventory and the capacity assumptions demonstrate that the City's housing needs will be met through 2032.

**(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land described in subsection (3) of this section. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. (This requirement is also set out at 660-008-0015(1).)**

To any developer proposing to construct a type of needed housing on land with capacity to accommodate such housing, as identified in the final BLI (at Part V of the Residential Land Supply Study), the Eugene Land Use Code offers DLCD-acknowledged, clear and objective standards, conditions and procedures, as referenced in (4). Most housing construction is “outright permitted” (allowed after obtaining only a ministerial building permit). Other housing developments may be required to obtain an approval through a process that includes public notice and an opportunity for public comment. For those developments, developers may design their projects to meet the clear and objective approval criteria set out at the applicable section at: EC 9.8100 Conditional Use Permit Approval Criteria - Needed Housing; EC 9.8220 Partition Tentative Approval Criteria – Needed Housing; EC 9.8325 Tentative Planned Unit Development Approval Criteria - Needed Housing; EC 9.8445 Site Review Approval Criteria - Needed Housing; or EC 9.8520 Subdivision, Tentative Plan Approval Criteria - Needed Housing. See findings under (6), below for the alternative process for approval of needed housing developments.

The actions taken by this ordinance do not include changes to the City’s acknowledged clear and objective standards or procedures that specifically regulate the development of needed housing.<sup>7</sup>

**(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:**

- (a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;**
- (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and**
- (c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section. (This requirement is also set out at 660-008-0015(2).)**

In addition to the subsection (4) process, the City code also offers the optional “alternative approval process” described in (6). This alternative approval process is an option sometimes used by developers of needed housing who do not wish to design their developments to conform to the clear and objective standards referenced under (4), above. Such developers, wishing to design the development in a way that would not meet the clear and objective standards available those developments, have the option of seeking approval under the applicable section at: EC 9.8090 Conditional Use Permit Approval Criteria - General; EC 9.8215 Partition Tentative Approval Criteria –General; EC 9.8320 Tentative Planned Unit Development Approval Criteria - General; EC 9.8440 Site Review Approval Criteria - General; or EC 9.8515 Subdivision, Tentative Plan Approval Criteria - General. These code provisions have been acknowledged by DLCD as being consistent with the statewide Planning Goals, and tested at LUBA and the Court of Appeals for their consistency with statutes and rules.

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<sup>7</sup> Amendments to the City’s land use code made by the ordinance (as an efficiency measure to accommodate the Medium Density Residential need) increase the minimum density required in the R-2 Medium Density Residential Zone for lots of at least a half-acre in size. This revised development standard does not impose any discretionary standards on needed housing applications.

The actions taken by this ordinance do not change the Eugene Code provisions that offer these subsection (6) “alternative approval procedures” as an option, they are not mandatory. The Eugene code is clear that the applicant may elect to use them or may elect to use the subsection (4) process. See EC 9.8085; 9.8210(4); 9.8310(5); 9.8510(5).

Subsection (6)(c) allows the City to offer this alternative, discretionary, approval process for needed housing applications only if “[t]he approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.” The City’s (6) acknowledged “alternative approval procedures” (unchanged by this action) are consistent with this requirement. The approval criteria for the (6) alternative approval process require residential development to occur within the same density range that applies in the subsection (4) process. In other words, the code imposes the same minimum and maximum densities, regardless of whether an applicant is proceeding under the subsection (4) process or the subsection (6) alternative approval process. Consistent with (6)(c), under the (6) alternative / discretionary process, a developer may be able to design (and the city may be able to approve) a development proposal that results in a density above that which could be permitted under the clear and objective approval process provided in subsection (4), within that density range.

**197.304 Lane County accommodation of needed housing.**

**(1) Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has a population of 50,000 or more within its boundaries shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County. The city shall, separately from any other city:**

**(a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and**

The acknowledged regional comprehensive plan (the Metro Plan) provides that “[t]he division of responsibility for metropolitan planning between the two cities is the Interstate 5 Highway.” In response to ORS 197.304, the City of Springfield has already divided the, previously shared, UGB between the two cities by adopting a UGB along Interstate 5 Highway. In another action taken concurrently with this one, the City of Eugene has defined and expanded the Eugene UGB to address the City’s needs for employment, parks and school land. This action addresses the sufficiency of the established Eugene UGB.

**(b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.**

See findings under ORS 197.296, above.

**Oregon Administrative Rules**

**660-008-0010 -- Allocation of Buildable Land**

**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 housing needs projection is located in Section 3.6.2 of the City's Housing Needs Analysis (Part II of the Residential Land Supply Study). Eugene's needed housing mix over the 2012-2032 planning period is 55% single-family detached housing and 45% multi-family housing. During that period, Eugene's average density (by comprehensive plan designation) is estimate to be:

- Low Density Residential averaged 5.4 dwelling units per net acre.
- Medium Density Residential averaged 13.4 dwelling units per net acre.
- High Density Residential averaged 32.6 dwelling units per net acre.

With Eugene's needed housing mix (55% single-family detached and 45% multi-family), Eugene's residential density would be is 7.8 dwelling units per net acre.

Part V of the Residential Land Supply Study is the City's final Residential Buildable Lands Inventory for the 2012-2032 planning period. That Inventory includes maps which demonstrate there is sufficient buildable land designated on the Metro Plan Diagram to satisfy these housing needs. Together, the vacant and partially vacant supply included in Figures 1 and 2 and Tables 1-3 with the capacity methods and density assumptions provided in Table 5 and 6, and the redevelopment estimates provided in Table 4, constitute Eugene's 2012-2032 Residential Buildable Land Inventory (BLI).

**660-008-0015** – See findings under ORS 197.307(4) and (6), above.

**660-008-0020 -- Specific Plan Designations Required**

**(1) Plan designations that allow or require residential uses shall be assigned to all buildable land. Such designations may allow nonresidential uses as well as residential uses. Such designations may be considered to be "residential plan designations" for the purposes of this division. The plan designations assigned to buildable land shall be specific so as to accommodate the varying housing types and densities identified in the local housing needs projection.**

The City's analysis of its residential land uses the comprehensive plan designation as a foundational component. The intent of each comprehensive plan designation category (e.g. for residential or employment uses) is described in Section G of the Metro Plan. Based on these descriptions, every area identified as "buildable land" in the City's "Final Residential Land Supply (2032)" document (Part V of the Envision Eugene / Residential Land Supply Study) has a Metro Plan land use designation that clearly allows or requires the needed residential uses, such as Low Density Residential, Medium Density Residential and High Density Residential. Plan designations that could allow housing include the commercial designations. Since a minimum residential density is not required in commercial zones, the City did not initially allocate housing to commercial land. Instead, the City used a proforma-based analysis to identify housing capacity through redevelopment on commercial land as discussed in Part I and Part IV of the Residential Land Supply Study.

The HNA at Part II of the Residential Land Supply Study describes the housing types assigned to buildable land. Table 31 includes the allocation of housing types and number of units by plan

designation. The final Residential Buildable Lands Inventory at Part V of the study includes the densities assigned to buildable land for a determination of capacity.

**(2) A local government may defer the assignment of specific residential plan designations only when the following conditions have been met \* \* \***

The City is not deferring the assignment of residential plan designations.

**660-008-0025 -- The Rezoning Process. A local government may defer rezoning of land within an urban growth boundary to maximum planned residential density provided that the process for future rezoning is reasonably justified. If such is the case, then: (1) The plan shall contain a justification for the rezoning process and policies which explain how this process will be used to provide for needed housing. (2) Standards and procedures governing the process for future rezoning shall be based on the rezoning justification and policy statement, and must be clear and objective and meet other requirements in OAR 660-008-0015.**

The City is not deferring rezoning to maximum densities.

## **Statewide Planning Goal 11 – Public Facilities and Services**

### **OAR Chapter 660, Division 11**

***Statewide Planning Goal 11* -- “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.”**

Goal 11 requires that urban development be supported by urban “public facilities and services.” In a separate, concurrent action, the City and County have taken actions to meet Eugene’s 20-year needs for schools, recreation facilities, sewer (wastewater and stormwater), water and transportation. The actions taken by this ordinance do not require any additional facilities or other amendments to the City’s public facilities plans. Therefore, Goal 11 and OAR 660, Division 11 do not apply.

## **Statewide Planning Goal 12 – Transportation**

### **OAR Chapter 660, Division 12**

***Statewide Planning Goal 12* -- “To provide and encourage a safe, convenient and economic transportation system.”**

**OAR 660-012-0060 (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned**

transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

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

The Metro Plan amendments made by this ordinance are very limited. The amendments add a sentence that refers readers of the Metro Plan to the Envision Eugene Residential Land Supply Study that (by this action) is adopted as an appendix to the Envision Eugene Comprehensive Plan and they inform readers that, through actions taken by this ordinance, the “findings” in the Metro Plan Residential Land Use and Housing Element are no longer applicable within the Eugene. There are no changes to land use designations.

Amendments made to the Envision Eugene Comprehensive Plan by this ordinance add a paragraph to the “Eugene Urban Growth Boundary” Chapter of the Plan to refer to a new Appendix: the Envision Eugene Residential Land Supply Study.

The Eugene Code amendments taken by this action raise the minimum net density allowed in new development in the R-2 zone from 10 to 13 units per acre, with some exceptions.

The actions taken by this ordinance do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). With regard to (c), the only change may appear to have an effect on transportation facilities is the code change to increase in minimum densities for some development in the R-2 zone. In fact, however, the new minimum is within the range already contemplated by the Metro Plan land use designations that apply to R-2 land. Therefore, that action is within the already-modeled expectations for transportation facilities within the Eugene UGB. For these reasons, the actions taken do not significantly affect an existing or planned transportation facility.

## Statewide Planning Goal 13 – Energy Conservation

### **Statewide Planning Goal 13 -- “To conserve energy.”**

The State has not adopted specific rules for complying with Statewide Planning Goal 13. Consistent with Goal 13, the City of Eugene’s plans for accommodating growth are based on a philosophy of compact urban development, with land use regulations to preserve livability. The adoption package does not adopt or amend a local energy policy or implementing provisions.

## Statewide Planning Goal 14 – Urbanization

### **OAR Chapter 660, Division 24**

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

#### **Urban Growth Boundaries**

**Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments.**

Historically, the Cities of Eugene and Springfield shared a single, regional UGB. ORS 197.304 (passed in 2007) required Eugene and Springfield to divide their shared UGB along Interstate 5, resulting in two separate UGBs for Springfield and Eugene. In 2011, the City of Springfield and Lane County took the legal actions necessary to establish that UGB division. Through other actions taken by the City of Eugene and Lane county in 2017, the precise location of Eugene’s UGB was described, including two expansion areas (in the Clear Lake and Santa Clara areas) to accommodate Eugene’s 20-year need for employment land, two parks and a school site.

The actions taken in this ordinance neither establish nor expand the Eugene UGB. Through this action, the City of Eugene demonstrates that the Eugene UGB includes sufficient land to meet Eugene’s residential needs through 2032. Therefore, it does not include an amendment / expansion of the Eugene UGB. Provisions of State law, Statewide Planning Goals and DLCDC rules that clearly pertain only to establishment or expansion of a UGB are not addressed in these findings.

#### **Land Need**

**Establishment and change of urban growth boundaries shall be based on the following:**

Because the Ordinance does not propose to establish or change the UGB, the following findings are provided solely as background, and are not requirements that pertain to the actions taken by this ordinance.

**(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and**

To determine the residential land needs of its long range urban population, Eugene is required to base its land studies on a 20-year population forecast. Consistent with Oregon Laws 2013 c.574 §3, Eugene relies on the coordinated population forecast for Eugene prepared by PSU and adopted by Lane County in June 2009. That forecast is located in the Eugene-Springfield Metropolitan Area Plan. Eugene's forecast covers the 2012 to 2032 period.

**(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.**

The established Eugene UGB is not expanded by this ordinance. Rather, the ordinance is based on a demonstration that, with the actions taken, the current UGB includes sufficient land to meet the demonstrated need for housing.

**Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.**

The supply and demand studies prepared in accordance with State law show that the City's unmet need for residential land was modest enough to reasonably be accommodated on land already inside the UGB. Part IV of the Residential Land Supply Study ("Measures to Increase Residential Development") documents the measures the City has already taken to increase the capacity of the land inside its UGB to increase the development of new homes in the UGB, and Section 3 of the Ordinance includes the last action needed to accommodate residential land needs for the 2012-2032 planning period, without expanding the UGB.

**Urbanizable Land**

**Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services.**

The Residential Buildable Land Inventory for the 2012-2032 Planning Period is located at Part V of the Residential Land Supply Study. The BLI is based on an analysis of all land within the Eugene UGB, including land currently located outside the city limits.

**Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.**

The City's /UL Urbanizable Land Overlay Zone applies to all unincorporated areas between the Eugene city limits and the Metropolitan Area General Plan urban growth boundary. The /UL overlay zone is

intended to ensure that development activities in unincorporated areas will not inhibit future developed at planned urban levels or the provision of services in an orderly, efficient, and timely manner, consistent with this provision. The /UL overlay zone is automatically removed from land upon its annexation to the city, allowing for development to occur in accordance with the base zone. In accordance with the overlay zone, annexation or an annexation agreement is required prior to any new dwelling, commercial or employment and industrial development. Annexation or an annexation agreement is also required for zone changes, planned unit developments, or expansion of existing commercial or employment and industrial development, if the proposal will generate, singly or in the aggregate, a direct additional need for key urban facilities and services provided by the city.

#### **OAR 660 / Division 24 / Urban Growth Boundaries**

##### **660-024-0040 / Land Need**

**(1) The UGB must be based on the appropriate 20-year population forecast for the urban area as determined under Rules in OAR 660, div 32, and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.**

Consistent with OAR 660-032-0040, the legislative review of the Eugene UGB for housing is based upon the 2012-2032 population forecast prepared by PSU, adopted by Lane County and Eugene in 2009 consistent with the requirements of ORS 195.034 and 195.036, and subsequently acknowledged by DLCDC. The legislative review of the Eugene UGB / residential land supply was initiated in 2012, before the date Oregon's Population Research Center issued a new population forecast for the Eugene UGB. The OAR is clear that that, in these circumstances, the City could continue its review using that 2009 population forecast. In separate actions, the City and County have adopted a specific description, including two expansion areas, of the Eugene UGB to provide for employment, schools and parks and open space for the 2012-2032 planning period, including all public facilities and transportation facilities needed within the UGB for that planning period.

**(2) If the UGB analysis or amendment is conducted as part of a periodic review work program, the 20-year planning period must commence on the date initially scheduled for completion of the appropriate work task. If the UGB analysis or amendment is conducted as a post-acknowledgement plan amendment under ORS 197.610 to 197.625, the 20-year planning period must commence either:**

**(a) On the date initially scheduled for final adoption of the amendment specified by the local government in the initial notice of the amendment required by OAR 660-018-0020; or**

**(b) If more recent than the date determined in subsection (a), at the beginning of the 20-year period specified in the appropriate coordinated population forecast for the urban area as determined under Rules in OAR 660, div 32, unless ORS 197.296 requires a different date for local governments subject to that statute.**

The UGB analysis was conducted as post-acknowledgement plan amendment under ORS 197.610 to 197.625. Therefore, the planning period commenced, consistent with (2)(a), on the date initially

scheduled for final adoption of the amendment, specified by the City in the initial notice of the amendment. The Notice to DLCD was sent in October, 2012. That notice specifically stated that the City initially scheduled final adoption for 2012. DLCD staff confirmed, at that time, that the notice had “locked in” 2012 as the commencement date.

**(3) A local government may review and amend the UGB in consideration of one category of land need (for example, housing need) without a simultaneous review and amendment in consideration of other categories of land need (for example, employment need).**

Consistent with this rule, the actions taken by this ordinance are the outcome of the City’s review of its UGB in consideration of, only housing. Through a separate, concurrent action, the City and County are taking actions in consideration of the need for employment, parks and school land.

**(4) The determination of 20-year residential land needs for an urban area must be consistent with the appropriate 20-year coordinated population forecast for the urban area determined under Rules in OAR 660, div 32, and with the requirements for determining housing needs in Goals 10 and 14, OAR chapter 660, division 7 or 8, and applicable provisions of ORS 197.295 to 197.314 and 197.475 to 197.490.**

See findings, above, under: OAR 660-024-0040(1); Statewide Planning Goal 10; Statewide Planning Goal14; OAR 660-008; and OAR 197.295 to 197.314.

**(8) The following safe harbors may be applied by a local government to determine housing need under this division:**

**(b) If a local government does not regulate government-assisted housing differently than other housing types, it is not required to estimate the need for government-assisted housing as a separate housing type.**

The HNA located at Part II of the Envision Eugene Residential Land Supply Study relies upon this safe harbor. See findings under ORS 197.296(3)(b), above.

**(c) If a local government allows manufactured homes on individual lots as a permitted use in all residential zones that allow 10 or fewer dwelling units per net buildable acre, it is not necessary to provide an estimate of the need for manufactured dwellings on individual lots.**

The HNA located at Part II of the Envision Eugene Residential Land Supply Study relies upon this safe harbor. See findings under ORS 197.296(3)(b), above.

**(d) If a local government allows manufactured dwelling parks required by ORS 197.475 to 197.490 in all areas planned and zoned for a residential density of six to 12 units per acre, a separate estimate of the need for manufactured dwelling parks is not required.**

The HNA located at Part II of the Envision Eugene Residential Land Supply Study relies upon this safe harbor. See findings under ORS 197.296(3)(b), above.

#### **660-024-0050 - Land Inventory and Response to Deficiency**

**(1) When evaluating or amending a UGB, a local government must inventory land inside the UGB to determine whether there is adequate development capacity to accommodate 20-year needs**

**determined in OAR 660-024-0040. For residential land, the buildable land inventory must include vacant and redevelopable land, and be conducted in accordance with OAR 660-007-0045 or 660-008-0010, whichever is applicable, and ORS 197.296 for local governments subject to that statute.**

The City's Envision Eugene Residential Land Study summarizes the analysis of the land inside the UGB to determine whether there is adequate development capacity to accommodate the City's housing needs from 2012-2032. This includes analysis of vacant and redevelopable land. See findings under OAR 660-008-0010 and ORS 197.296, above.

**(4) If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and OAR 660-024-0060.**

See findings under ORS 197.296(6). The 2012 supply of residential land was found to be inadequate to accommodate the estimated 20-year needs. As documented in the conclusion of Part III of the Residential Land Supply Study, the Eugene UGB had a deficit of about 133 acres of Low Density Residential land for single-family detached housing and an about 91 acre-deficit of High Density Residential land for housing types of five or more units and single-family attached housing. To address these deficits, the City took actions to increase the development capacity of land already inside the UGB and did not need to expand the UGB. Detailed findings are provided under Statewide Planning Goal 10 and the Goal 10 statutes and rules.

## **Statewide Planning Goal 15 – Willamette Greenway**

***Statewide Planning Goal 15* -- "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.

## **Statewide Planning Goal 16 – Estuarine Resources**

## **Statewide Planning Goal 17 - Coastal Shorelands**

## Statewide Planning Goal 18 - Beaches and Dunes

## Statewide Planning Goal 19 - 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.

## Local Government Criteria

### City of Eugene Criteria

**EC 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;**

The Metro Plan amendments made by this ordinance are very limited. The amendments add a sentence that refers readers of the Metro Plan to the Envision Eugene Residential Land Supply Study that (by this action) is adopted as an appendix to the Envision Eugene Comprehensive Pan and they inform readers that, through actions taken by this ordinance, the “findings” in the Metro Plan Residential Land Use and Housing Element are no longer applicable within the Eugene. The findings in that element of the Metro Plan were derived from now outdated data and/or studies of the combined Eugene-Springfield residential land supply and demand. That data and those studies are no longer valid and Measure 3337, passed by the Oregon Legislature in 2007, prohibits such regional data and plans from being updated. For Eugene, the Envision Eugene Residential Land Supply Study replaces those studies, and is being adopted as an Appendix to the Envision Eugene Comprehensive Plan, as opposed to the regional Metro Plan, because it relates only to Eugene’s UGB. This is consistent with the Statewide Planning Goals.

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

The Metro Plan amendments made by this ordinance are very limited. The amendments add a sentence that refers readers of the Metro Plan to the Envision Eugene Residential Land Supply Study that (by this action) will be an appendix to the Envision Eugene Comprehensive Pan, and they inform readers that, through actions taken by this ordinance, the “findings” in the Metro Plan Residential Land Use and Housing Element are no longer applicable within the Eugene.

The findings in that element of the Metro Plan were derived from now outdated data and/or studies of the combined Eugene-Springfield residential land supply and demand. That data and those studies are no longer valid and Measure 3337, passed by the Oregon Legislature in 2007, prohibits such regional data and plans from being updated. For Eugene, the Envision Eugene Residential Land Supply Study replaces those studies.

Some community members have sought the assurance that the Metro Plan Residential Element’s policies would continue to apply in Eugene. To clearly address that concern, the Metro Plan

amendments taken by this ordinance also add to the Plan an explicit statement that the goals and policies in that element of the Metro Plan will continue to apply.

These amendments do not present any internal inconsistency in the Metro Plan.

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

See findings addressing consistency with Envision Eugene Comprehensive Plan under EC 9.8074, below.

**EC 9.8074 Envision Eugene Comprehensive Plan Amendment - Amendment Approval Criteria. If the city council decides to act, the application shall be approved, approved with modifications or denied based on compliance with the following criteria:**

**(1) The proposed amendment would be consistent with the Statewide Planning Goals.**

Amendments made to the Envision Eugene Comprehensive Plan by this ordinance add a paragraph to the “Eugene Urban Growth Boundary” Chapter of the Plan to refer to a new Appendix to the Plan. The Appendix is the Envision Eugene Residential Land Supply Study. As discussed in the findings addressing consistency with the Statewide Planning Goals, above, this amendment is consistent with the Statewide Planning Goals. See, especially, the findings pertaining to Statewide Planning Goals 10 and 14.

**(2) The proposed amendment would be consistent with the Eugene-Springfield Metropolitan Area General Plan.**

As explained, the amendments to the Envision Eugene Comprehensive Plan (EECP) include the City’s adoption of 2012-2032 Residential Buildable Lands Inventory for the Eugene UGB (Part V of the Residential Land Supply Study). Amendments to the Metro Plan, described under EC 9.7735, above, revise its text to recognize the new Study and BLI and to eliminate outdated Metro Plan text for consistency with the new City-specific planning conducted by Eugene and Springfield.

The following findings address Metro Plan policies that relate to the EECP amendments:

**A.3 Provide an adequate supply of buildable residential land within the UGB for the 20-year planning period at the time of Periodic Review.**

The City is conducting a legislative review of the Eugene UGB on its own initiation, not as part of Periodic Review. To the extent this policy applies, the Residential Land Supply Study adopted an appendix to the Envision Eugene Comprehensive Plan demonstrates that the Eugene UGB includes an adequate supply of buildable residential land within the Eugene UGB for the 2012-2032 20-year planning period. See findings under Statewide Planning Goals 10 and 14, above.

**A.4 Use annexation, provision of adequate public facilities and services, rezoning, redevelopment, and infill to meet the 20-year projected housing demand.**

The City of Eugene has provisions that allow annexation, consistent with State law, as land within its UGB is ready for urban residential development. To accommodate the 20-year need for residential land, the City has taken previous actions to redesignate and rezone land. This action, and previous actions, made code amendments that encourage redevelopment and infill in order to meet the 20-year land supply. In a separate action, the City and County have updated the public facilities plan to include all

projects necessary to serve all the City's needs (including residential needs) for the 20-year planning period.

**A.5 Develop a monitoring system that measures land consumption, land values, housing type, size, and density. Reports should be made to the community on an annual basis.**

In a different ordinance (not the ordinance that these findings address), the City has established a monitoring system that will include the measurements referred to in this policy. See the Administration and Implementation Chapter of the Envision Eugene Comprehensive Plan.

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

The only change to the Eugene Zoning Code (increasing the minimum density in the R2 Medium Density Residential Zone from 10 units per acre to 13) is consistent with the broad density categories of the Metro Plan where the medium density residential category requires density of 10 – 28 units per acre).

**A.10 Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.**

There is no urban growth boundary expansion proposed for residential lands. Instead, efficiency measures such as re-designation, increased minimum densities and incentives for downtown residential development have been used to accommodate the forecasted residential need.

**A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.**

The actions taken by this ordinance do not include any new / different locations for residential development. Residential Lands designated for high density residential are already located downtown or in other areas where they are 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.**

See findings for A.11.

**A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.**

Overall residential density will increase as no urban growth boundary expansion is proposed and the minimum density for the R-2 zone is being increased. Incentives for downtown development will also have the outcome of increasing overall density. An exemption for lots of half an acre (0.5) or less is proposed for the amendments to the R2 zone in order to mitigate the impacts of increased density on existing neighborhoods.

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

Changes to the R-2 Zone allow for flexibility in housing form and configuration, increasing the minimum density with no restrictions on housing type and size, allowing for greater flexibility in cost.

**A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.**

See findings for A.17.

**A.19 Encourage residential developments in or near downtown core areas in both cities.**

The City of Eugene City has adopted the State-authorized program for Multiple Unit Property Tax Exemptions for multifamily housing in the downtown core.

**A.29 Consider public purposes such as low- and very low-income housing when evaluating UGB expansions.**

The Housing Needs analysis and the Buildable Land Inventory demonstrate that there is no need to expand the UGB for any type of housing at this time. Code amendments, addressed under EC 9.8065, below, exempt affordable housing from the R-2 zone amendments in order to ensure local zoning does not cause an undue burden on these types of development.

**A.30 Balance the need to provide a sufficient amount of land to accommodate affordable housing with the community's goals to maintain a compact urban form.**

The Housing Needs Analysis at Part II of the Residential Land Supply Study, and the 2012-2032 Buildable Lands Inventory at Part V of that Study demonstrate that Eugene has enough land within the current urban growth boundary to accommodate affordable housing while maintaining a compact urban form.

**A.33 Consider local zoning and development regulations impact on the cost of housing.**

Amendments to the R-2 zone include an exemption for affordable housing developments in order to ensure local zoning does not cause an undue burden on these types of development.

**J.7 Encourage medium- and high-density residential uses when balanced with other planning policies in order to maximize the efficient utilization of all forms of energy. The greatest energy savings can be made in the areas of space heating and cooling and transportation. For example, the highest relative densities of residential development shall be concentrated to the greatest extent possible in areas that are or can be well served by mass transit, paratransit, and foot and bicycle paths.**

The City's strategies to support high density residential downtown are consistent with the policy of concentrating highest relative densities of residential development in areas that are or can be well served by mass transit, paratransit, and foot and bicycle paths. Furthermore, the use of efficiency strategies to meet the projected residential need allows the City to avoid expanding the UGB for housing at this time.

**(3) The proposed amendment would be consistent with the remaining portions of the Envision Eugene Comprehensive Plan.**

The Envision Eugene Comprehensive Plan does not, before this action, include text related to the supply or demand of residential land within the Eugene UGB. The amendments made by this ordinance present the first text of that nature and are consistent with the rest of the Plan.

**(4) The proposed amendment would not result in a deficit in the city's needed supply of employment or residential land, based on the most recently adopted and acknowledged employment land study or residential land study.**

The amendments made by this ordinance adopt the City's first Eugene-only residential land study (the Envision Eugene Residential Land Supply Study). This new study will be used to determine whether future Plan amendments are consistent with this criterion. As demonstrated in the Residential Land Study, itself, the BLI adopted in its Part V establishes a supply of residential land for the 2012-2032 planning period and does not result in a deficit.

**EC 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.**

See findings addressing consistency with all Statewide Planning Goals, above.

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

The Eugene Code amendments taken by this action raise the minimum net density allowed in new development in the R-2 zone from 10 to 13 units per acre, with some exceptions. This increase in minimum density is consistent with the Metro Plan for the reasons addressed in the applicable Metro Plan policy findings under EC 9.8074(2), above.

**(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 actions taken by this ordinance do not include establishment of a special area zone.

**Lane County Criteria**

**LC 12.225 Metro Plan Amendment Criteria.**

**The following criteria will be applied by the Board of Commissioners and other applicable governing body or bodies 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.**

See above findings for EC 9.7735.