

## **Findings for Ordinance Establishing Sufficiency of Eugene UGB for Purposes of Employment, Park and School 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 action 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 the City and County actions.

The City’s and County’s citizen involvement programs were adopted into the Eugene Code, and into the County’s Code for the Eugene urban transition area. They include 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 programs and went far beyond the requirements of those programs 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 now proposed urban growth boundary (UGB) adoption package.

### **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 and Lane County land use codes specify 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 employment, parks and schools, compiled an inventory of lands and other factual information related to Goals 9 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. The City and County coordinated and jointly adopted the UGB amendments. For the ordinance adopting the urban growth boundary for jobs, parks and schools, intergovernmental coordination 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**, which will jointly adopt the UGB amendments, was engaged through notice of the proposed action and opportunity to comment, as well as meetings with staff and coordination with elected officials at key points throughout the process of developing the proposal. The 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 measures that increased the capacity of land inside the UGB to accommodate employment needs.
- **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 and strategies to meet it.
- **Eugene School District 4J** was engaged through coordination on identifying its 20-year land need and the determination that its needs can be met without a UGB expansion.
- **Junction City School District** was engaged through coordination on identifying its 20-year land need and the determination that its needs can be met without a UGB expansion.
- **University of Oregon** was engaged through meetings early in the process and at key points along the way to identify future needs and 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 both within the current UGB and proposed expansions, and through planning of their downtown riverfront site which added capacity to increase employment inside the current urban growth boundary.

## Statewide Planning Goal 3 – Agricultural Lands

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

OAR 660-024-0020(1)(b) provides that Statewide Planning Goal 3 is not applicable when amending a UGB. Therefore, Goal 3 is not applicable. Consideration of Agricultural land is addressed under Goals 9 and 14.

## Statewide Planning Goal 4 – Forest Lands

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

OAR 660-024-0020(1)(b) provides that Statewide Planning Goal 4 is not applicable when amending a UGB. Therefore, Goal 4 is not applicable. Consideration of Forest land is addressed under Goals 9 and 14.

## 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.”

Both the City of Eugene and Lane County have adopted / acknowledged programs for protecting and conserving the types of resources, areas and spaces referenced in Statewide Planning Goal 5 for land within the current UGB. The actions taken by this ordinance do not include any which would change the Goal 5 program inside the current UGB.

The Goal 14 UGB rule specifies the circumstances under which Goal 5 applies to a UGB amendment. It states that, when establishing or amending a UGB:

**OAR 660-024-0020(1)(c) - Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250.**

These findings apply to the areas added to the UGB (Clear Lake and Santa Clara). The following findings address whether Goal 5 also applies in other areas.

#### **OAR 660-023-0070 - Buildable Lands Affected by Goal 5 Measures**

**(1) If measures to protect significant resource sites inside urban growth boundaries affect the inventory of buildable lands in acknowledged plans required by Goals 9, 10 and 14, a local government outside of the Metro UGB, and Metro inside the Metro UGB, prior to or at the next**

**periodic review, shall: (a) Amend its urban growth boundary to provide additional buildable lands sufficient to compensate for the loss of buildable lands caused by the application of Goal 5; (b) Redesignate other land to replace identified land needs under Goals 9, 10, and 14 provided such action does not take the plan out of compliance with other statewide goals; or (c) Adopt a combination of the actions described in subsections (a) and (b) of this section.**

The actions taken do not include the adoption of measures to protect significant Goal 5 resource sites inside the UGB that existed at the time of the actions. (If it had done so, this rule would require the City and County to, *prior to or at the next periodic review*, expand the UGB to compensate for the loss of buildable lands caused by the application of Goal 5, redesignate other land to replace identified land needs or both.)

the City is taking measures (application of the /WR Water Resources overlay zone) to protect significant resource sites in the proposed Santa Clara UGB expansion area, but those Goal 5 measures do not affect any land on the acknowledged (pre-expansion) BLI, or a proposed BLI, as they are located on land that needed to provide a community park.

Based on this, OAR 660-023-0070 does not constitute an exception to the rule at 660-024-0020(1)(c) which provides that Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB.

#### **OAR 660-023-0250(3) - Applicability**

**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 do not change existing Goal 5 lists or site protections, as described in OAR 660-023-0250(3)(a) and (b).

OAR 660-023-0250(3)(c) requires the City to apply Goal 5 only within the UGB expansion area and only to respond to factual information submitted into the local record demonstrating that the expansion area includes a Goal 5 resource site.<sup>1</sup> Although not required to do so, the City and County chose to be

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<sup>1</sup> Testimony submitted by Bill Kloos, on behalf of the Eugene Sand and Gravel Co., argues that the City and County are required to expand the UGB to include, for urban industrial development, mining land that is currently on the County's inventory of Goal 5 aggregate resources, and that is currently subject to Goal 5 protections (protective comprehensive plan designation and County zoning). The City and County have found that the Goal 5 listing and protection measures that apply to the vast majority of the mining site impose development constraints on that portion of the site that make it unavailable for industrial development. Based on the mining company's claims that

proactive in determining whether there are any significant riparian corridor sites, wetland sites, wildlife habitat sites or impact areas within the UGB expansion areas. The City wishes to be as certain as possible that the expansion area can be developed to serve the industrial employment needs of the City's population for 20 years. Significant resource protections can impact whether land is truly developable. Therefore, although the City could have simply waited to respond to any evidence presenting information about a potential Goal 5 resource in the UGB expansion area, the City hired a professional natural resources consultant, Pacific Habitat Services, Inc. (PHS), to conduct a study of the Clear Lake and Santa Clara UGB expansion areas. That study revealed the location of riparian corridor, wetland, and wildlife habitat resources in the expansion areas. In response, consistent with the Goal 5 rules at OAR 660-023 addressed below, the City has applied Goal 5 within the UGB expansion areas.

OAR 660-023-0250 does not constitute an exception to the rule at 660-024-0020(1)(c), which provides that Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB.

**OAR 660-023-0060 - Notice and Land Owner Involvement. Local governments shall provide timely notice to landowners and opportunities for citizen involvement during the inventory and ESEE process. Notification and involvement of landowners, citizens, and public agencies should occur at the earliest possible opportunity whenever a Goal 5 task is undertaken in the periodic review or plan amendment process. A local government shall comply with its acknowledged citizen involvement program, with statewide goal requirements for citizen involvement and coordination, and with other applicable procedures in statutes, rules, or local ordinances.**

See findings under Statewide Planning Goal 1.

Prior to beginning the inventory field work, selected landowners in the proposed UGB expansion areas (i.e. those suspected of having wetlands or stream on their property) were mailed notices by the City describing the project and asking permission to enter their property. Right of access was granted to PHS by landowner permission only. The properties of those not responding were not accessed. Information regarding right of access was collected by the City and provided to PHS for incorporation into project field maps.

Following the field work and preparation of the draft reports, the City held public meetings on May 23, 2012 and June 25, 2014 for property owners in the Clear Lake expansion area to discuss details of the Goal 5 inventory and to provide comments. Staff from the Division of State Lands attended the second meeting. Additional community meetings with expansion area property owners, nearby property owners, and other interested parties of the Clear Lake expansion area were held June 24, 2015 and September 15, 2016. The purpose of these latter two meetings was to provide an update on the expansion proposal, including the formal adoption process, wetlands, zoning, and land use code proposals. Letters were also sent to property owners in the expansion area on October 10, 2014 and December 1, 2015 to provide updates on the expansion proposal. City staff were also on hand to discuss wetlands and related topics at other more general project meetings throughout 2015 and 2016. The City

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it no longer has a significant resource to protect, the City has urged the mining company to apply to the County for a formal review and possible removal from the County's Goal 5 program. To date, Eugene Sand and Gravel has not submitted such an application and the land remains as a protected Goal 5 resource. This is addressed in the UGB expansion Analysis for Employment land at Appendix B to these Findings.

has also maintained a website ([www.envisioneugene.org](http://www.envisioneugene.org)) for the duration of the project where copies of the draft inventories and the ESEE have been available for review.

As the Santa Clara expansion area is solely owned by the City, Planning staff have worked closely with City Parks and Open Space staff regarding the inventory and ESEE process for the expansion area. Numerous meetings, phone calls and emails were exchanged to discuss the details of the inventory process and results.

The ordinance has been processed by the City and County consistently with their citizen involvement programs. This includes notice and hearings before both jurisdictions' planning commissions and elected officials.

### **Wetlands (Standard Process)**

**For wetland resources, the standard Goal 5 process (not the "safe harbor" process) was used. The standard process for wetlands includes the following steps, addressed in the findings below:**

- 1. Conduct an Inventory Process to compile a list of significant resources in the UGB expansion areas.**
  - (A) Conduct a Local Wetlands Inventory (LWI) and adopt the LWI as part of the comprehensive plan or as a land use regulation.**
  - (B) Determine which wetlands on the LWI are "significant wetlands" by using criteria adopted by DSL.**
  - (C) Adopt the list of significant wetlands as part of the comprehensive plan or as a land use regulation.**
- 2. Through the following 4 steps, use the ESEE Decision Process to analyze the consequences of completely protecting the significant resource sites identified in 1(c), above, or, instead, allowing some or all uses that could conflict with the resources, then determine whether the significant resource sites should get full protection, partial protection or no protection.**
  - (A) Identify Conflicting Uses**
  - (B) Determine the Impact Area**
  - (C) Analyze the ESEE Consequences**
  - (D) Develop a Program to Achieve Goal 5**
- 3. Adopt Protection Measures for those significant resource sites identified for protection under 2. above.**

As discussed above, the City chose to be proactive in identifying Goal 5 resources present in the UGB expansion areas. As soon as the proposed expansion areas were identified through the Goal 14 / Goal 9 process, the City hired Pacific Habitat Services, Inc. ("PHS") to gather information on potential wetlands in both the Clear Lake and Santa Clara expansion areas. This information was submitted to the City in two documents. For the Clear Lake area, PHS's wetland information is set out in a report dated May

2014 entitled “City of Eugene Local Wetland Inventory – Clear Lake Area UGB Expansion.” For the Santa Clara area, PHS’s wetland information is set out in a memo to the City dated October 21, 2014.<sup>2</sup>

The City hired a second consultant, Winterbrook, to conduct the second part of the Goal 5 process (ESEE Decision Process). Winterbrook’s work is set out in a report dated December 8, 2016 titled “Goal 5 ESEE Analysis for Significant Wetlands and Riparian Corridors.”

**1. Conduct an Inventory Process to compile a list of significant resources in the UGB expansion areas.**

**(A) OAR 660-023-0100(3)(a) - Conduct a LWI using the standards and procedures of OAR 141-086-0110 through 141-086-0240 and adopt the LWI as part of the comprehensive plan or as a land use regulation.**

For the Santa Clara UGB expansion area, PHS conducted a study that is described and documented in its October 21, 2014 memo. PHS found that, in the Santa Clara expansion area, there were no wetland areas greater than .5 acre. Under the Division of State Lands (“DSL”) rules in OAR 141-086, these wet areas “must be represented as points on the appropriate parcel(s) and should be labeled as “P[otential] W[etlands]” on the maps. No further characterization or assessment is required for probable wetlands in the LWI.” As required, these areas were mapped as “Potential Wetlands” on an LWI (Figure 2 in Attachment A to PHS’s memo). That “Local Wetlands Inventory – Figure 2” is included in these findings at Appendix F.<sup>3</sup>

For the Clear Lake area, PHS prepared a LWI using the standards and procedures of OAR 141 (DSL rules) as noted on page 4 of PHS’ report. That LWI (an index and three maps) is also included in these findings at Appendix F. PHS identified 17 wetlands in the Clear Lake Area. The Clear Lake Area Local Wetland Inventory was submitted to Division of State Lands in 2014, who conducted an initial review and generally concurred with the analysis, inventory and findings of significance.<sup>4</sup>

**(B) OAR 660-023-0100(3)(b) - Determine which wetlands on the LWI are “significant wetlands” by using the criteria adopted by DSL pursuant to ORS 197.279(3)(b)**

For purposes of the Goal 5 inventory, local governments are required to apply specific criteria adopted by DSL to those wetland sites included on the LWI. Those that meet the criteria are “significant wetlands” and must be included on the area’s Goal 5 inventory of wetlands (but are not necessarily protected wetlands, as addressed, below).

PHS found that, based on their size and status as “Potential Wetlands” under DSL’s rules, none of the five wet areas in the Santa Clara expansion area are significant wetlands. See October, 21, 2014 memo

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<sup>2</sup> The subject line on PHS’ October 21, 2014 memo mistakenly states: “City of Eugene Local Wetland Inventory - Clear Lake Area UGB Expansion.” To reflect its content, the subject line should state: “City of Eugene Local Wetland Inventory and Riparian Corridors - Santa Clara Area UGB Expansion.”

<sup>3</sup> In an email from Ed Moore (DLCD) to Carolyn Burke (City of Eugene) dated January 30, 2013, DLCD confirmed that the City does not need to have Division of State Lands approval of the local wetlands inventory prior to or concurrent with the adoption of the amendment to expand the urban growth boundary because DSL will not formally approve the LWIs until after the new UGB has been established. The adoption of the LWI will occur under a separate process following UGB adoption.

<sup>4</sup> See previous footnote.

and its attached Wetland Determination Data Forms. Therefore, the remainder of these wetland findings pertain only to the Clear Lake expansion area.

For the significance determinations in the Clear Lake expansion area, PHS complied with this rule as demonstrated in substantial detail in sections 8.1 and 8.2 of its May 2014 report. Based on its analysis, PHS identified seven significant wetlands in the Clear Lake expansion area (and found that ten wetlands were not significant). As noted above, the Clear Lake Area Local Wetland Inventory was submitted to Division of State Lands in 2014, who conducted an initial review and generally concurred with the analysis, inventory and findings of significance.

**(C) OAR 660-023-0100(3)(b) - Adopt the list of significant wetlands as part of the comprehensive plan or as a land use regulation.**

The list of significant wetlands (all within the Clear Lake area) is added to the adopted list of significant wetlands in the City / County Goal 5 Water Resources Conservation Plan as part of this action. See section 9 of City's Ordinance.

- 2. Through the following 4 steps, use the ESEE Decision Process to analyze the impacts of protecting the significant resource sites or, instead, allowing some or all uses that could conflict with the resources; determine whether the significant resource sites should get full protection, partial protection or no protection. (OAR 660-023-0040)**

**(A) Identify Conflicting Uses**

**660-23-0040(2) - Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site.**

**660-023-0010(1) - "Conflicting use" is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource . . . Local governments are not required to regard agricultural practices as conflicting uses.**

This requirement is addressed in detail on pages 16 – 21 of the December 8, 2016 ESEE analysis prepared by Winterbrook, which is included at Appendix F to these findings.

**660-23-0040(2) - The following shall also apply in the identification of conflicting uses:**

**(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)**

**(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government shall**

**determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).**

Conflicting uses have been identified, so subsection (a) is inapplicable. The consultant did not determine that any significant Goal 5 resource sites are conflicting uses with another significant resource site, so subsection (b) is inapplicable.

**(B) Determine the Impact Area**

**660-23-0040(3) - Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.**

**660-023-010(3) - "Impact area" is a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource.**

For the reasons stated at pages 15-16 of its December 8, 2016 ESEE analysis, Winterbrook determined that the entire Clear Lake expansion area is the impact area.

**(C) Analyze the ESEE Consequences**

**660-23-0040(4) - Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.**

Winterbrook's analysis conducted an ESEE analysis for the seven significant wetland sites in the Clear Lake expansion area. That detailed analysis is set out at pages 21 – 67 of its December 8, 2016 report, which is included at Appendix F to these findings.

**(D) Develop a Program to Achieve Goal 5**

**660-023-0040(5) - Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:**

- (a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.**
- (b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.**
- (c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.**

This requirement is addressed in detail on pages 66 – 67 of the December 8, 2016 ESEE analysis prepared by Winterbrook, which is included at Appendix F to these findings. The City is proposing to not protect the wetlands locally, consistent with (c) above. As described in the ESEE, this “No Local Protection Program” means the wetland areas can be developed, consistent with other regulations that will apply (e.g. zoning, wetland banking, inter-agency coordination, stormwater management planning, the application of the Goal 6 /WQ Water Quality overlay zone to two major stormwater conveyance channels, and a city-approved area-wide stormwater master plan that incorporates green infrastructure). Furthermore, the wetlands will continue to be regulated by the Oregon Department of State Lands and the US Army Corps of Engineers.

#### **Riparian Areas (Standard Process)**

**For riparian resources, the standard Goal 5 process (not the “safe harbor” process) was used. The standard Goal 5 process for Riparian Areas includes the following steps, addressed in the findings below:**

- 1. Conduct an *Inventory Process* to compile a list of significant resources in the UGB expansion areas by taking the following 4 steps:**
  - (A) Collect Information about Goal 5 Resource Sites**
  - (B) Determine the Adequacy of the Information**
  - (C) Determine the Significance of the Resource Sites**
  - (D) Adopt a List of Significant Resource Sites**
- 2. Through the following 4 steps, use the *ESEE Decision Process* to analyze the consequences of completely protecting the significant resource sites or, instead, allowing some or all uses that could conflict with the resources, then determine whether the significant resource sites should get full protection, partial protection or no protection.**
  - (A) Identify Conflicting Uses**
  - (B) Determine the Impact Area**
  - (C) Analyze the ESEE Consequences**
  - (D) Develop a Program to Achieve Goal 5**
- 3. Adopt *Protection Measures* for those significant resource sites identified for protection under 2. above.**

As discussed above, the City chose to be proactive in identifying Goal 5 resources present in the UGB expansion areas. The City hired PHS to address the first part of the Goal 5 process (Inventory Process) in both the Clear Lake and Santa Clara areas. PHS provided the City with this information in two documents. For the Clear Lake area, PHS's riparian area information is included in a report dated May 2014 entitled "City of Eugene Local Wetland Inventory - Clear Lake Area UGB Expansion." For the Santa Clara area, PHS's riparian area information is included in a memo to the City dated October 21, 2014.<sup>5</sup> In addition, the City consulted the acknowledged Goal 5 work pertaining to riparian corridors, to identify any riparian corridors protected within the City's current UGB that extend into one of the expansion areas.

The City hired a second consultant, Winterbrook, to conduct the second part of the Goal 5 process (ESEE Decision Process). Winterbrook's work is set out in a report dated December 8, 2016 titled "Goal 5 ESEE Analysis for Significant Wetlands and Riparian Corridors" which is included at Appendix F to these findings.

**1. Conduct an Inventory Process to compile a list of significant resources in the UGB expansion areas by taking the following 4 steps (OAR 660-023-0030):**

**(A) Collect Information about Goal 5 Resource Sites**

**660-23-0030(2) - The inventory process begins with the collection of existing and available information, including inventories, surveys, and other applicable data about potential Goal 5 resource sites. If a PAPA or periodic review work task pertains to certain specified sites, the local government is not required to collect information regarding other resource sites in the jurisdiction. When collecting information about potential Goal 5 sites, local governments shall, at a minimum:**

- (a) Notify state and federal resource management agencies and request current resource information; and**
- (b) Consider other information submitted in the local process.**

For riparian corridors, 660-023-0090(4) sets out a more specific requirement with regard to the consultation of federal and state agencies. That rule is addressed below. To the extent any information about potential riparian areas was submitted during the local process, that information is referenced and addressed in these findings.

**660-023-0090(4) - When following the standard inventory process in OAR 660-023-0030, local governments shall collect information regarding all water areas, fish habitat, riparian areas, and wetlands within riparian corridors. Local governments may postpone determination of the precise location of the riparian area on lands designated for farm or forest use until receipt of applications for local permits for uses that would conflict with these resources. Local governments are encouraged, but not required, to conduct field investigations to verify the location, quality, and quantity of resources within the riparian corridor. At a minimum, local governments shall consult the following sources, where available, in order to inventory riparian corridors along rivers, lakes, and streams within the jurisdiction:**

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<sup>5</sup> The subject line on PHS' October 21, 2014 memo mistakenly states: "City of Eugene Local Wetland Inventory - Clear Lake Area UGB Expansion."

- (a) Oregon Department of Forestry stream classification maps;**
- (b) United States Geological Service (USGS) 7.5-minute quadrangle maps;**
- (c) National Wetlands Inventory maps;**
- (d) Oregon Department of Fish and Wildlife (ODFW) maps indicating fish habitat;**
- (e) Federal Emergency Management Agency (FEMA) flood maps; and**
- (f) Aerial photographs.**

As noted previously, the standard inventory process in OAR 600-023-0030 was followed in the inventory of riparian corridors for the Clear Lake and Santa Clara UGB expansion areas. In an email dated December 6, 2016, Pacific Habitat Services, Inc. confirmed that the sources listed in (a) through (f) above, or an equivalent, were consulted in the inventory of riparian corridors for Clear Lake and Santa Clara UGB expansion areas.

**(B) Determine the Adequacy of the Information**

**660-023-0030(3) - In order to conduct the Goal 5 process, information about each potential site must be adequate. A local government may determine that the information about a site is inadequate to complete the Goal 5 process based on the criteria in this section. This determination shall be clearly indicated in the record of proceedings. . . . When local governments determine that information about a site is inadequate, they shall not proceed with the Goal 5 process for such sites unless adequate information is obtained, and they shall not regulate land uses in order to protect such sites. The information about a particular Goal 5 resource site shall be deemed adequate if it provides the location, quality and quantity of the resource, as follows:**

- (a) Information about location shall include a description or map of the resource area for each site. The information must be sufficient to determine whether a resource exists on a particular site. However, a precise location of the resource for a particular site, such as would be required for building permits, is not necessary at this stage in the process.**
- (b) Information on quality shall indicate a resource site's value relative to other known examples of the same resource. While a regional comparison is recommended, a comparison with resource sites within the jurisdiction itself is sufficient unless there are no other local examples of the resource. Local governments shall consider any determinations about resource quality provided in available state or federal inventories.**
- (c) Information on quantity shall include an estimate of the relative abundance or scarcity of the resource.**

For the Santa Clara UGB expansion area, in its October 21, 2014 memo, PHS found that there were no riparian areas. However, information taken from the acknowledged Goal 5 work that pertains to adjacent land within the City's current UGB shows that there is a riparian corridor with Goal 5 protections that continues from within the UGB into the Santa Clara UGB expansion area (Riparian Corridor identified as E56 in the City / County 2005 Goal 5 work). In a memo from Alissa Hansen dated November 28, 2016, she explains that Eugene staff have recommended that that riparian corridor E56 be assigned the same protections within the expansion area that it currently has in the areas already

within the UGB. The City's previous determination of adequate information carries forward for this corridor, including mapping, site visits, and information on quality and quantity.

For the Clear Lake UGB expansion area, in its May 2014 report PHS identified four reaches of the A-2 Channel as riparian areas. In addition to being previously mapped in the City's GIS system, and by PHS as part of their Goal 5 inventory work, on-site inspections of each identified riparian area were conducted by PHS and by City staff to verify location and quality. The methodology used by PHS to assess the condition of the riparian corridors (the Urban Riparian Inventory and Assessment Guide (URIAG) (DSL 1998)) is described in detail on pages 17-19 of their May 2014 report. PHS confirmed via an email on December 6, 2016 that as part of their inventory and assessment, they utilized information from aerial photographs, the National Wetlands Inventory, United States Geological Service maps, Oregon Department of Forestry, Oregon Department of Fish and Wildlife and federal flood hazard maps.

Based on the available information, the City has determined that information about each potential site is adequate, consistent with the above OAR.

**(C) Determine the Significance of the Resource Sites**

**660-023-0030(4) - For sites where information is adequate, local governments shall determine whether the site is significant. This determination shall be adequate if based on the criteria in subsections (a) through (c) of this section, unless challenged by the department, objectors, or the commission based upon contradictory information. The determination of significance shall be based on:**

- (a) The quality, quantity, and location information;**
- (b) Supplemental or superseding significance criteria set out in OAR 660-023-0090 through 660-023-0230; and**
- (c) Any additional criteria adopted by the local government, provided these criteria do not conflict with the requirements of OAR 660-023-0090 through 660-023-0230.**

For riparian areas, there are no supplemental or superseding significance criteria set out in OAR 660-023-0090 through 660-023-0230 as referenced in -0030(4)(b). Further, the City did not adopt any additional criteria for this Goal 5 process as referenced in -0030(4)(c). Therefore, the determination of significance was based on the quantity, quality and location information as referenced in -0030(4)(a).

For the Santa Clara UGB expansion area, in its October 21, 2014 memo, PHS found that there were no riparian areas. However, as noted above, information taken from the acknowledged Goal 5 work that pertains to adjacent land within the City's current UGB shows that there is a significant riparian corridor with Goal 5 protections that continues from within the UGB into the Santa Clara UGB expansion area (Riparian Corridor identified as E56 in the City / County 2005 Goal 5 work). In a memo from Alissa Hansen dated November 28, 2016, she explains that Eugene staff have recommended that that riparian corridor E56 be assigned the same protections within the expansion area that it currently has in the areas already within the UGB. In this case, they are of the same quality, quantity, and location.

For the Clear Lake UGB expansion area, in their May 2014 report, PHS assessed the four identified reaches of the A-2 Channel using the URIAG methodology. All four of the inventoried riparian areas rate "high" for water quality functioning, due to the low slopes within the riparian area, the presence of

complete vegetative cover, and the near lack of impervious areas. In the flood management category, all four rate “medium.” Flood management is determined by the presence of flood prone areas, the dominance or absence of woody vegetation in flood prone areas, and whether the water resource is constricted by man-made features. All reaches rated low for thermal regulation, the result of few trees in the riparian area and no vegetation shading the water resources. As a result of these same conditions, and the open mowed and agricultural uses, these areas rated low to medium for wildlife habitat. However, in a subsequent phone conversation with the Oregon Department of Fish and Wildlife (ODFW) staff, it was confirmed that the reaches are fish-bearing.<sup>6</sup> While the quantity (over 38 intact acres of riparian area in an agricultural setting) and location (a major tributary of the Amazon Creek system that eventually flows into the Fern Ridge Reservoir), are notable, based on available information related to quality, including the high water quality function, and identification as a fish-bearing stream by ODFW, the riparian areas are determined to be significant.

**(D) Adopt a List of Significant Resource Sites**

**660-023-0030(5) - When a local government determines that a particular resource site is significant, the local government shall include the site on a list of significant Goal 5 resources adopted as a part of the comprehensive plan or as a land use regulation.**

As discussed previously, riparian resource sites in both the Santa Clara and Clear Lake UGB expansion areas have been determined to be significant. As such, an amendment to the adopted list of significant riparian resources is included as part of the UGB adoption. See section 9 of the City’s Ordinance.

- 2. Through the following 4 steps, use the ESEE Decision Process to analyze the impacts of protecting the significant resource sites or, instead, allowing some or all uses that could conflict with the resources; determine whether the significant resource sites should get full protection, partial protection or no protection. (OAR 660-023-0040)**

**(A) Identify Conflicting Uses**

**660-23-0040(2) - Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site.**

For riparian areas, the rule at -0090(7) provides more specific direction for the identification of conflicting uses. It sets out the specific activities that, if allowed outright or conditionally within the applicable zones, must be considered as conflicting uses with riparian resources.

**660-023-0090(7) - When following the standard ESEE process in OAR 660-023-0040 and 660-023-0050, a local government shall comply with Goal 5 if it identifies at least the following activities as conflicting uses in riparian corridors:**

- (a) The permanent alteration of the riparian corridor by placement of structures or impervious surfaces, except for:**

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<sup>6</sup> Phone conversation between Alissa Hansen, City of Eugene and Karen Hans, Assistant District Fish Biologist, Oregon Department of Fish and Wildlife, on January 15, 2016.

- (A) Water-dependent or water-related uses; and
- (B) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and
- (b) Removal of vegetation in the riparian area, except:
  - (A) As necessary for restoration activities, such as replacement of vegetation with native riparian species;
  - (B) As necessary for the development of water-related or water-dependent uses; and
  - (C) On lands designated for agricultural or forest use outside UGBs.

For the Santa Clara UGB expansion area, as described in a memo from Alissa Hansen dated November 28, 2016, the conflicting uses are described in the City's 2005 "Conflicting Uses and ESEE Analysis" document.

For the Clear Lake UGB expansion area, conflicting uses are addressed in detail on pages 16 – 21 of the December 8, 2016 ESEE analysis prepared by Winterbrook, which is included at Appendix F to these findings.

**660-23-0040(2) - The following shall also apply in the identification of conflicting uses:**

- (a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)
- (b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).

Conflicting uses have been identified, so subsection (a) is inapplicable. The consultant did not determine that any significant Goal 5 resource sites are conflicting uses with another significant resource site, so subsection (b) is inapplicable.

**(B) Determine the Impact Area**

**660-23-0040(3) - Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.**

For the Santa Clara UGB expansion area, the impact area is described in a memo from Alissa Hansen dated November 28, 2016. For the reasons stated at pages 15- 16 of its December 8, 2016 (in Appendix F to these findings) Winterbrook determined that the entire Clear Lake UGB expansion area is the impact area.

**(C) Analyze the ESEE Consequences**

**660-23-0040(4) - Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.**

For the Santa Clara UGB expansion area, the ESEE analysis is described in a memo from Alissa Hansen dated November 28, 2016,

Winterbrook's analysis conducted an ESEE analysis for the significant riparian corridor site in the Clear Lake UGB expansion area. That detailed analysis is set out at pages 21 - 67 of its December 8, 2016 report, which is included at Appendix F to these findings.

**(D) Develop a Program to Achieve Goal 5**

**660-023-0040(5) Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:**

- (a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.**
- (b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.**
- (c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.**

For the Santa Clara UGB expansion area, as described in a memo from Alissa Hansen dated November 28, 2016, the City determined that a limited protection program (application of the /WR Water

Resources Conservation overlay zone) was appropriate, thereby allowing the conflicting uses in a limited way that protects the significant riparian corridors. This is documented through an amendment to section IV of the Water Resources Conservation Plan and the application of the /WR Overlay Zone to the appropriate land, both actions taken as part of this ordinance.

For the Clear Lake UGB expansion area, this requirement is addressed in detail on pages 66 – 67 of the December 8, 2016 ESEE analysis prepared by Winterbrook, which is included at Appendix F to these findings. The City is proposing to fully allow conflicting uses within the riparian corridors, consistent with (c) above. This is documented through an amendment to section IV of the Water Resources Conservation Plan. As described in the ESEE, this “No Local Protection Program” means the wetland areas can be developed, consistent with other regulations that will apply (e.g. zoning, wetland banking, inter-agency coordination, stormwater management planning , the application of the Goal 6 /WQ Water Quality overlay zone to two major stormwater conveyance channels and a city-approved area-wide stormwater master plan that incorporates green infrastructure). Furthermore, any wetlands within the riparian corridors will continue to be regulated by the Oregon Department of State Lands and the US Army Corps of Engineers.

**3. Adopt Protection Measures for those Significant Resource Sites Identified for Protection under 2. above. (660-023-0050)**

**660-023-0050(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).**

For significant sites identified for protection in the Santa Clara UGB expansion area, as described in a memo from Alissa Hansen dated November 28, 2016, the City is applying an already-acknowledged acknowledged Goal 5 protection measure – the /WR Water Resources Conservation overlay zone – as part of this ordinance.

**Wildlife Habitat Areas (Safe Harbor Process)**

For wildlife habitat resources, the safe harbor Goal 5 process was used. When new wildlife habitat areas are identified, the safe harbor process includes specific steps to determine whether to protect the site and, if so, how to do so. As explained below, no new habitat sites were identified in either expansion area.

As discussed above, the City chose to be proactive in identifying Goal 5 resources present in the UGB expansion area. The City hired PHS to conduct an inventory of wildlife habitat sites in both the Clear

Lake and Santa Clara areas. PHS provided the City with this information in a memo to the City dated June 22, 2015.<sup>7</sup>

1. **Conduct an Inventory Process to compile a list of significant resources in the UGB expansion areas by applying the safe harbor criteria in OAR 660-023-0110(4).**
  - (A) **Under the safe harbor, local governments may determine that "wildlife" does not include fish, and that significant wildlife habitat is only those sites where one or more of the following conditions exist:**
    - (1) **OAR 660-023-0110(4)(a) - The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;**
    - (2) **OAR 660-023-0110(4)(b) - The habitat has documented occurrences of more than incidental use by a species described in subsection (a) of this section;**
    - (3) **OAR 660-023-0110(4)(c) - The habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons pursuant to ORS 527.710 (Oregon Forest Practices Act) and OAR 629-024-0700 (Forest Practices Rules);**
    - (4) **OAR 660-023-0110(4)(d) - The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or**
    - (5) **OAR 660-023-0110(4)(e) - The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).**

These criteria are directly addressed in PHS' June 22, 2015 memorandum, incorporated herein by this reference. In the Santa Clara expansion area, PHS found no significant wildlife habitat. In the Clear Lake area, PHS found one area of significant wildlife habitat.

**(B) Adopt a List of Significant Resource Sites**

**660-023-0030(5) Adopt a list of significant resource sites: When a local government determines that a particular resource site is significant, the local government shall include the site on a list of significant Goal 5 resources adopted as a part of the comprehensive plan or as a land use regulation.**

**660-023-0110(5) For certain threatened or endangered species sites, publication of location information may increase the threat of habitat or species loss. Pursuant to ORS 192.501(13), local governments may limit publication, display, and availability of location information for such sites. Local governments may adopt inventory maps of these areas, with procedures to allow limited availability to property owners or other specified parties.**

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<sup>7</sup> The subject line on PHS' October 21, 2014 memo mistakenly states: "City of Eugene Local Wetland Inventory - Clear Lake Area UGB Expansion." To reflect its content, the subject line should state: "City of Eugene Local Wetland Inventory and Riparian Corridors - Santa Clara Area UGB Expansion."

PHS' June 22, 2015 memorandum concludes that there are no significant wildlife habitat areas in the Santa Clara UGB expansion area. There is one area of significant wildlife habitat located in the Clear Lake UGB expansion area. A Goal 5 Significant Wildlife Habitat map of the resource area in the Clear Lake area has been provided to the City of Eugene but due to restrictions on data distribution from the Oregon Biodiversity Information Center (ORBIC), and to protect the species and its habitat, neither the habitat nor the species have been named herein. This area of habitat is already identified on Lane County's acknowledged inventory of significant wildlife habitat for lands inside the Metro Plan and outside the current urban growth boundary (see policy C.16 from Chapter III, section C of the Metro Plan). Pursuant to 660-023-0110(5), Lane County has limited publication, display and availability of location information. To the extent that state agencies require review of the County's adopted Goal 5 map and protection measures for this site, the County will make the information available.

## **2. Adopt Protection Measures for Significant Resource Sites (660-023-0050)**

With the expansion of the UGB into the area, the County will continue to apply the already-acknowledged protection measures for this wildlife habitat site. This action simply transfers the site from the County's rural Goal 5 inventory to the Goal 5 Water Resources Conservation Plan which applies within the Eugene UGB. New land use designations and zoning will not conflict with those acknowledged protection measures: this significant wildlife habitat site will continue to be located on publically owned land and the County will to rely on the acknowledged level of protection for the site, which is to rely on state and/or federal protections and to send notice of any development permit or land use application to the Oregon Department of Fish and Wildlife.

# **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 and County are in compliance with environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. The actions taken are consistent with the jurisdictions' future compliance with those laws. New development will be required to comply with the City's stormwater standards and, in some areas, the /WQ Water Quality overlay zone adopted by the City as a tool to implement Statewide Planning Goal 6. 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 BLI, the City considered the existence of natural hazards in terms of slope and flood hazards, eliminating areas with such hazards from the inventory. 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: “(1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements.”

Goal 8 provides that “Recreation Needs -- refers to existing and future demand by citizens and visitors for recreations areas, facilities and opportunities.” Goal 8 also provides that “Recreation Areas, Facilities and Opportunities -- provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travelers; sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities.”

Eugene has a robust and diverse system of parks, recreation areas and open spaces, including parks with active and passive recreation opportunities, such playgrounds, ball fields, tennis courts, pedestrian and bicycle paths, basketball courts, hiking trails, skate parks, dog parks, BMX track, boat launch, swimming pools, golf course, picnic areas, viewpoints, disc golf, community gardens, and recreation centers.

Planning for parks and recreation is guided by two documents; the Parks, Recreation and Open Space (PROS) Comprehensive Plan; and the Parks, Recreation and Open Space Project and Priority Plan. The former was developed as an aspirational guiding document for the City’s park and open space system, and the latter, adopted by city council, represents the list of projects intended to implement the Parks, Recreation and Open Space Comprehensive Plan.

Although most areas in Eugene are well served, the Parks, Recreation and Open Space Project and Priority Plan identifies several specific areas within the community that are deficient in parks and recreation opportunities, and includes strategies to acquire and develop additional needed facilities. The Santa Clara area is underserved by parks, and does not have any community parks. The Bethel area is also identified as an underserved area for parks.

The Parks, Recreation and Open Space Project and Priority Plan includes strategies to acquire and develop a community park sites to serve the Santa Clara and Bethel areas. Community parks are intended to be developed for active and passive recreation, and typically include children’s play areas, basketball courts, open play areas, reservable picnic areas, gathering spaces, restrooms, ball fields, pathways/trails, natural areas, off-street parking, transit access and bicycle parking. These parks need to be within the urban growth boundary so they can served by city facilities, including wastewater, water and stormwater.

Parks are also addressed under Statewide Planning Goal 14, governing the establishment and change of urban growth boundaries based on, in part, the need for parks or open space. See “UGB Expansion Analysis for Park Land” at Appendix C to these findings for additional details regarding the City’s need for additional park land.

State statutes (e.g. ORS 195.120, 195.125) impose no park planning requirements on the City. The City’s actions do not implement a master plan for a particular park and, therefore, state administrative rules at OAR 660-0034 also impose no requirements.

## 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 its comprehensive plan, at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses. It provides:

- **Comprehensive plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary**

**support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.**

With this action, the City is documenting and adding to its inventory of land suitable for economic growth and activity. See the Envision Eugene Employment Land Supply Study at Appendix B to the Envision Eugene Comprehensive Plan. In determining which land is suitable for Eugene’s increased economic growth, the City conducted an assessment of the community’s economic potential as required by Goal 9 and OAR 660-009-015(4). That assessment is set out at section 4 of the Envision Eugene Economic Opportunities Analysis document (“EOA”). The EOA is in section II of the Employment Land Supply Study. Section 4.7 of the EOA addresses Eugene’s economic advantages and disadvantages as described above and at OAR 660-009-0015(4).

- **Comprehensive plans for urban areas shall:**
  1. **Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;**

This action includes the adoption of the EOA as section II of the Employment Land Supply Study, an appendix to the Envision Eugene Comprehensive Plan. The analysis required by this part of Goal 9 is located in the EOA at Chapter 3.

2. **Contain policies concerning the economic development opportunities in the community;**

This Goal 9 requirement is implemented by OAR 660-009-0020, requiring specific economic development policies. See findings under OAR 660-009-0020, below. This action includes the adoption of the Envision Eugene Comprehensive Plan, which sets out those required policies and other policies concerning the economic development opportunities in the community as part of the “Economic Development” Chapter.

3. **Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;**

This Goal 9 requirement is implemented through more specific requirements set out in OAR 660, Division 9, addressed below. As explained below, the EOA contains analysis and a determination of the City’s commercial and industrial site needs through 2032. See EOA at Chapter 6. The 2012 Land Supply Study located in Part I of the Envision Eugene Employment Land Supply Study, identified land to meet most of the employment needs on land already located within the UGB at the commencement of the planning period in 2012. While all commercial needs can be met on land already in the City’s UGB, the analysis in Appendix B to these findings (“UGB Expansion Analysis for Employment Land”) identifies a modest expansion of the UGB to address the industrial site needs that cannot be met on land already inside the UGB.

Analysis and Actions taken to increase the 2012 supply, as described in Parts II-V of the Employment Land Supply Study (including a UGB expansion in the Clear Lake Area), demonstrate that the final Employment Land Buildable Lands Inventory for 2012-2032 (set out at Part VI of the Employment Land

Supply Study) provides for an adequate supply of sites as required by this Goal 9 provision. All of the City's needed commercial and industrial sites are identified in the BLI. As those findings show, the UGB expansion adds only the industrial sites needed to meet the City's needs through 2032.

**4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.**

This Goal 9 requirement is implemented through designations in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and specific policies in the EECF. Section II.G of the Metro Plan identified appropriate uses in industrial and commercial designated areas of a variety of intensities. The location of areas with these designations is identified in the Metro Plan Diagram (Metro Plan section II.G). These designations are further implemented through the City of Eugene Code: Chapter 9 – Land Use, sections 9.2100, 9.2400, and 9.3000. The EECF includes the following policies in Chapter 3, which limit uses in specific industrial and commercial zones: 3.17, 3.19, 3.22, and 3.23. These combined policies and codes limit uses in industrial and commercial areas to those which are compatible with proposed uses.

**OAR Chapter 660, Division 9**

OAR Chapter 660, Division 9 implements Statewide Planning Goal 9. OAR 660-009-0010 states that LCDC will determine the effort necessary to comply with OAR 660-009-0015 through 660-009-0030 “depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division.”

**660-009-0015 -- Economic Opportunities Analysis.**

**Cities and counties must review and, as necessary, amend their comprehensive plans to provide economic opportunities analyses containing the information described in sections (1) to (4) of this rule. This analysis will compare the demand for land for industrial and other employment uses to the existing supply of such land.**

As explained throughout these findings, the City has conducted a detailed EOA, adopted as Part II of the Envision Eugene Employment Land Supply Study (an appendix to the Envision Eugene Comprehensive Plan). As described below, the EOA contains the information described in (1) to (4) of 660-009-0015.

As required by Statewide Planning Goal 14 and its implementing rules, the City has identified the supply of employment land that existed within the UGB in 2012, at the commencement of the 20-year planning period. This supply is summarized in Part I of the Employment Land Supply Study. (See findings under Goal 14, below). Chapter 6 of the EOA sets out the analysis comparing that 2012 employment land supply with the demand for employment land that will arise through 2032. For most employment sites needed, the EOA concludes that the 2012 supply is sufficient. However, the 2012 supply of land is insufficient to meet the 2032 need for: 4 sites of between 10–20 acres, 2 sites of between 20-50 acres, 3

sites of between 50-65 acres, and 2 sites of at least 75 acres. Therefore, the City and County actions include an expansion of the UGB to provide for those 11 needed industrial sites.<sup>8</sup>

**(1) Review of National, State, Regional, County and Local Trends. The economic opportunities analysis must identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area based on information about national, state, regional, county or local trends.**

Chapter 3 of the EOA includes an analysis of national, state, regional, county and local trends that help determine the kinds of economic opportunities that are reasonably likely in Eugene over the 20 year planning period. This trend analysis (along with the assessment of community potential) is used by the City to ensure that its “target industries” include only industries that are reasonably likely to locate in Eugene.

**(2) Identification of Required Site Types. The economic opportunities analysis must identify the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses.**

As required by this rule, the City uses an employment growth estimate in determining its need for employment sites. OAR 660-024-0040 (addressed under Goal 14) specifies that job growth estimates are not necessarily proportional to population growth, but must be reasonably justified. LCDC has adopted optional safe harbors for determining job growth rate and made them available to Eugene. Use of a safe harbor provides the “reasonable justification” required by LCDC’s rules. Eugene’s employment growth estimate relies on the safe harbor at OAR 660-024-0040(9)(A), allowing cities to “estimate that the number of jobs in the urban area will grow during the 20-year planning period at a rate equal to . . . [t]he county or regional job growth rate provided in the most recent forecast published by the Oregon Employment Department.” Section 5.1.2 of the EOA provides the analysis and application of this safe harbor. The City’s use of the safe harbor (1.43%) job growth rate is consistent with other analysis conducted and heavily vetted through numerous citizen involvement initiatives.

Sections 5.1.3 – 5.2.2 of the EOA considers the City’s need to accommodate a 1.43% job growth rate (33,688 new jobs) through new jobs in industries that are reasonably expected to locate in Eugene. As explained by the DLCD Director in the Scappoose Order, OAR 660-009-0015(2) “grants latitude to the city to create site categories to suit its needs. Site characteristics may then be attached to the site categories provided that are typical and reasonably related to the use.” DLCD Order 1816, 8. The Court of Appeals, agreeing with LUBA, has explained that “‘site characteristics’” need not be ‘indispensable’ to a particular use in order be ‘necessary for a particular industrial or other employment use to operate.” *Friends of Yamhill County v. Newberg*, 240 Or App 738, 747 (2011). The Court endorsed “a more pragmatic approach toward accommodating economic growth: That ‘necessary’ site characteristics are

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<sup>8</sup> As an efficiency measure, to meet a deficit of commercial land, the City adopted new, more flexible employment zones that allow a mix of commercial and residential uses. These zone were applied to some small industrial lots inside the UGB. Consideration of public uses that take place on industrial land and the impact of these rezoning actions resulted in a minor deficit - 26 acres - of industrial land located on small lots (lots of less than 10-acres). This deficit is documented in the Employment Land Supply Study at Part IV. This deficit is also addressed in the UGB expansion.

those attributes that are reasonably necessary to the successful operation of particular industrial or employment uses, in the sense that they bear some important relationship to that operation.” Id.

Based on such information, the City identified site characteristics in the EOA. The EOA, Part II of the Employment Land Supply Study, addresses “Site Needs for Target Industries” in its section 6.2. For purposes of its evaluation of land, the City of Eugene chose to include only the most essential site characteristics identified through data and studies cited by ECONorthwest in the City’s EOA: those focused on minimum acreage needs and proximity to a freight route. The EOA contains detailed information justifying these site characteristics for the different types of employment-generating development that Eugene is expecting to attract based on its economic development strategy. In addition to relying on the expertise of the City’s EOA consultant (ECONorthwest), the City worked with the Eugene Chamber of Commerce to identify the reasons that employers needed by Eugene have rejected Eugene’s employment land in the past, in terms of site suitability. The City also received information from current employers, with first-hand knowledge of site needs. Specifically, the expansion sites needed in Eugene must:

- Be a contiguous area comprised of one or two tax lots that could accommodate one of the following:<sup>9</sup>
  - an industrial site of 75 acres or larger (Eugene needs to add 2 such sites)
  - an industrial site of between 50 and 75 acres (Eugene needs to add 3 such sites)
  - an industrial site of between 20 and 50 acres (Eugene needs to add 2 such sites)
  - an industrial site of between 10 and 20 acres (Eugene needs to add 4 such sites)
- Have access via existing or planned roads, within 1 mile of the site, to a State Designated Freight Route (see State Highway Freight System map inset below).<sup>10</sup> State Designated Freight Routes within one mile of the study area are:
  - Interstate 5
  - Interstate 105 west of I-5
  - Randy Papé Beltline
  - Highway 99 north of Randy Papé Beltline
  - Highway 126 west of Randy Papé Beltline

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<sup>9</sup> An unconstrained higher priority site that is too small to meet any of the size characteristics above, but is within a mile of access to a State Designated Freight Route is not dismissed from further consideration if it could possibly be combined with an adjacent lower priority site to meet the size criterion. For such sites, the analysis below specifies that the site will be considered further along with adjacent lower priority sites, to determine whether the inclusion of it in combination with a lower-priority site can reduce the need to expand onto lower priority land.

<sup>10</sup> Access is measured from along existing or planned roads to access points for the routes, such as an intersection, entrance or exit.

**(3) Inventory of Industrial and Other Employment Lands. Comprehensive plans for all areas within urban growth boundaries must include an inventory of vacant and developed lands within the planning area designated for industrial or other employment use.**

This action includes the adoption of a 2012-2032 Employment Buildable Lands Inventory at Part VI of the Employment Land Supply Study. It identifies the location of all vacant and developed lands designated for industrial or other employment use within the Eugene UGB.

This action also includes the adoption of a land supply analysis of the employment land within the UGB, prior to the expansion that takes place as part of this action. That analysis is Part I of the “Employment Land Supply Study” appendix to the Envision Eugene Comprehensive Plan. It identifies the location of all vacant and partially vacant lands designated for industrial or other employment use within the Eugene UGB and estimates for redevelopment.

**(a) For sites inventoried under this section, plans must provide the following information:**

**(A) The description, including site characteristics, of vacant or developed sites within each plan or zoning district;**

This action includes the adoption of the 2012-2032 Employment Buildable Lands Inventory at Part VI of the Employment Land Supply Study, which describes vacant and developed sites within each plan district (plan designation). As explained, site characteristics, including specific development constraints and existing land uses, were used in the City’s land supply model to identify the sites to be included on the Inventory.

**(B) A description of any development constraints or infrastructure needs that affect the buildable area of sites in the inventory; and**

The 2012 Land Supply Study at Part I of the Employment Land Supply Study appendix to the Envision Eugene Comprehensive Plan describes development constraints or infrastructure needs that affect the buildable area of sites that ultimately appear on the 2012-2032 Employment Buildable Lands Inventory.

**(C) For cities and counties within a Metropolitan Planning Organization, the inventory must also include the approximate total acreage and percentage of sites within each plan or zoning district that comprise the short-term supply of land.**

Eugene and Lane County are within a Metropolitan Planning Organization (the Central Lane Metropolitan Planning Organization). “Short-term supply” is “suitable land that is ready for construction within one year of an application for a building permit or request for service extension.” OAR 660-009-0005(10). The rule specifies that “[e]ngineering feasibility is sufficient to qualify land for the short-term supply of land. Funding availability is not required.” In the 2012 Employment Land Study at Part I of the Employment Land Supply Study (see subsection 5, titled “Short Term Supply of Employment Land”), the City provides the approximate total acreage and percentage of sites within each plan district (plan designation) that comprise the short-term supply of land. All of the City’s short term supply is located within the pre-expansion area of the Eugene UGB.

**(4) Assessment of Community Economic Development Potential. The economic opportunities analysis must estimate the types and amounts of industrial and other employment uses likely to**

occur in the planning area. The estimate must be based on information generated in response to sections (1) to (3) of this rule and must consider the planning area's economic advantages and disadvantages. Relevant economic advantages and disadvantages to be considered may include but are not limited to:

- (a) Location, size and buying power of markets;
- (b) Availability of transportation facilities for access and freight mobility;
- (c) Public facilities and public services;
- (d) Labor market factors;
- (e) Access to suppliers and utilities;
- (f) Necessary support services;
- (g) Limits on development due to federal and state environmental protection laws; and
- (h) Educational and technical training programs.

Chapter 4 of the EOA (located at Part II of the Employment Land Supply Study) includes an assessment of economic potential, as described in Statewide Planning Goal 9 and this rule. Chapter 6 of the EOA provides an estimate of the types and amounts of industrial and other employment uses likely to occur in the planning area based on that assessment and OAR 660-009-0015(1) – (3).

- **660-009-0020 -- Industrial and Other Employment Development Policies**

**(1) Comprehensive plans subject to this division must include policies stating the economic development objectives for the planning area. These policies must be based on the community economic opportunities analysis prepared pursuant to OAR 660-009-0015 and must provide the following:**

- (a) Community Economic Development Objectives. The plan must state the overall objectives for economic development in the planning area and identify categories or particular types of industrial and other employment uses desired by the community.**

The Economic Development Chapter of the Envision Eugene Comprehensive Plan, at Policies 3.1 through 3.8, sets out policies that state the city's overall objectives for economic development. The categories or particular types of industrial and other employment uses desired by the community are identified under the "Targeted Industries" heading at Policies 3.9-3.14.

- (b) Commitment to Provide a Competitive Short-Term Supply. Cities and counties within a Metropolitan Planning Organization must adopt a policy stating that a competitive short-term supply of land as a community economic development objective for the industrial and other employment uses selected through the economic opportunities analysis pursuant to OAR 660-009-0015.**

Eugene and Lane County are within a Metropolitan Planning Organization (the Central Lane Metropolitan Planning Organization). Envision Eugene Comprehensive Plan Chapter 3 (Economic Development), Policy 3.25 is the policy required by -0020(1)(b).

- (c) Commitment to Provide Adequate Sites and Facilities. The plan must include policies committing the city or county to designate an adequate number of sites of suitable sizes,**

**types and locations. The plan must also include policies, through public facilities planning and transportation system planning, to provide necessary public facilities and transportation facilities for the planning area.**

As part of this action, the City and County are designating an adequate number of sites of suitable sizes, types and locations. Several policies in Envision Eugene Comprehensive Plan Chapter 2 (Economic Development) address the City's commitment to continue to provide adequate sites and facilities as described in (c). These include Policies 3.15 through 3.25. The Plan includes policies to provide necessary public facilities and transportation facilities for the planning area at Policies 3.26, 3.28 and 3.29. As part of this action, the City is also adopting updates to its public facilities plan and its local transportation system plan to provide all facilities needed to serve the areas planned for future economic growth.

**(2) Plans for cities and counties within a Metropolitan Planning Organization or that adopt policies relating to the short-term supply of land, must include detailed strategies for preparing the total land supply for development and for replacing the short-term supply of land as it is developed. These policies must describe dates, events or both, that trigger local review of the short-term supply of land.**

Eugene and Lane County are within a Metropolitan Planning Organization (the Central Lane Metropolitan Planning Organization). Envision Eugene Comprehensive Plan Chapter 3 (Economic Development), Policies 3.25 through 3.27 are the policies required by -0020(2). As part of this action, the City is also adopting updates to its public facilities plan and its local transportation system plan to provide all facilities needed to serve the areas planned for future economic growth (See Transportation System Plan project list amendments, and Public Facilities and Services Plan project list amendments and corresponding map amendments).

#### **660-009-0025 -- Designation of Lands for Industrial and Other Employment Uses**

**Cities and counties must adopt measures adequate to implement policies adopted pursuant to OAR 660-009-0020. Appropriate implementing measures include amendments to plan and zone map designations, land use regulations, public facility plans, and transportation system plans.**

This action includes the adoption of adequate measures to implement the policies adopted pursuant to OAR 660-009-0020, and other local policies to ensure an adequate supply of land for economic development. The implementing measures include: the creation, adoption and application of an overlay zone (the Clear Lake Overlay Zone), amendments to the zoning map, amendments to the Metro Plan designation map (the Plan Diagram), the adoption of a new Envision Eugene Comprehensive Plan and amendments to the Public Facilities and Services Plan and transportation plan. In advance of this action, other steps were taken by the City to ensure that the UGB would include sufficient suitable land to accommodate the City's 20-year need for employment land. Those actions, described in Part IV of the Employment Land Supply Study ("Measures to Increase Employment Development (2012-2032), were:

1. Creation and Application of New E-1 and E-2 Employment Zones
2. Re-designation of Land to Commercial Designation
3. Downtown & Mixed Use Code Amendments
4. Downtown Riverfront Special Area Zone
5. Brownfield / Parcel Assembly

**(1) Identification of Needed Sites.** The plan must identify the approximate number, acreage and site characteristics of sites needed to accommodate industrial and other employment uses to implement plan policies. Plans do not need to provide a different type of site for each industrial or other employment use. Compatible uses with similar site characteristics may be combined into broad site categories. Several broad site categories will provide for industrial and other employment uses likely to occur in most planning areas. Cities and counties may also designate mixed-use zones to meet multiple needs in a given location.

Section 6.1 of the EOA (Part II of the Employment Land Supply Study) identifies the employment land demand in great detail. Section 6.1.3.1 establishes industrial site size ranges by acreage. Section 6.1.3.2 then identifies total needed sites in each size category, which is then modified per efficiency measures to reach the number of sites that need to be accommodated through expansion in section 6.1.3.3. section 6.2 specifies the site characteristics of needed employment sites. The UGB Expansion Analysis for Employment Land then evaluates candidate land surrounding the current UGB for the most suitable land for expansion.

**(2) Total Land Supply.** Plans must designate serviceable land suitable to meet the site needs identified in section (1) of this rule. Except as provided for in section (5) of this rule, the total acreage of land designated must at least equal the total projected land needs for each industrial or other employment use category identified in the plan during the 20-year planning period.

The 2012-2032 Employment Buildable Lands Inventory at Part VI of the Employment Land Supply Study shows that the City has the “serviceable” and “suitable” land needed to meet the site needs discussed under (1), above.

**(3) Short-Term Supply of Land.** Plans for cities and counties within a Metropolitan Planning Organization . . . must designate suitable land to respond to economic development opportunities as they arise. Cities and counties may maintain the short-term supply of land according to the strategies adopted pursuant to OAR 660-009-0020(2).

Eugene and Lane County are within a Metropolitan Planning Organization. The Metro Plan diagram amendments included with this action apply land use designations to additional land to ensure that the City’s 20-year need for employment land can be met on suitable land within the UGB that is designated for employment uses. The suitability of the land for employment use is discussed in Chapter 6 of the EOA and in the UGB Expansion Analysis for Industrial Land Need at Appendix B to these findings. See findings under (a), below, regarding the land that is within the “short-term supply.”

**(a) Except as provided for in subsections (b) and (c), cities and counties subject to this section must provide at least 25 percent of the total land supply within the urban growth boundary designated for industrial and other employment uses as short-term supply.**

The City’s short-term supply of land is identified in Part I of the Employment Land Supply Study. (See section 5 entitled “Short Term Supply of Employment Land.”) The information there demonstrates that about 71% of the land in the UGB – before the expansion – was “short term supply.”

**(5) Institutional Uses.** Cities and counties are not required to designate institutional uses on privately owned land when implementing section (2) of this rule. Cities and counties may designate

**land in an industrial or other employment land category to compensate for any institutional land demand that is not designated under this Section.**

Section III of the Employment Land Supply Study addresses, and determines the needed compensation for, the non-employment use of some employment land.

**(6) Compatibility. Cities and counties are strongly encouraged to manage encroachment and intrusion of uses incompatible with industrial and other employment uses. Strategies for managing encroachment and intrusion of incompatible uses include, but are not limited to, transition areas around uses having negative impacts on surrounding areas, design criteria, district designation, and limiting non-essential uses within districts.**

The City of Eugene addressed compatibility issues with the expansion area through a series of transitions from residential areas within the current UGB, to public uses (school and park land), into Campus Industrial land, and then Light Medium Industrial land. Further, the Clear Lake Overlay Zone addresses additional compatibility issues through restricted uses.

**(8) Uses with Special Siting Characteristics. Cities and counties that adopt objectives or policies providing for uses with special site needs must adopt policies and land use regulations providing for those special site needs. Special site needs include, but are not limited to large acreage sites, special site configurations, direct access to transportation facilities, prime industrial lands, sensitivity to adjacent land uses, or coastal shoreland sites designated as suited for water-dependent use under Goal 17. Policies and land use regulations for these uses must:**

- (a) Identify sites suitable for the proposed use;**
- (b) Protect sites suitable for the proposed use by limiting land divisions and permissible uses and activities that interfere with development of the site for the intended use; and**
- (c) Where necessary, protect a site for the intended use by including measures that either prevent or appropriately restrict incompatible uses on adjacent and nearby lands.**

This action includes adoption of objectives or policies providing for uses with special site needs. Envision Eugene Comprehensive Plan policies 3.16 and 3.17 address this subsection of OAR 660-009-0025. Chapter 6 of the EOA addresses special characteristics / suitability. The City and County also take action to provide, within the Eugene UGB, sites that have those special characteristics identified in the EOA. See UGB Expansion Analysis for Employment Land at Appendix B to these findings. The /CL Overlay zone being applied to the sites that are suitable for the targeted industries protects those sites by limiting land divisions and permissible uses and activities that interfere with development of the site for the intended use. See EC 9.4150 through 9.4170 of proposed code provisions at Exhibit E to the City's ordinance; See also "Addendum to UGB Expansion Analysis for Employment Land" at Appendix D to these findings.

## Statewide Planning Goal 10– Housing

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

Goal 10 pertains to the planning for residential use. The City and County have addressed Statewide Planning Goal 10 and its related statutes and rules in a separate, concurrent action. The actions taken by this ordinance do not impact the city’s supply/demand for residential land. Therefore, OAR 660, Division 11 does not apply.

## 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.”**

As part of the City’s UGB expansion analysis, the City determined that it is feasible to provide the necessary public services to the areas added to the UGB, and that those services are “likely to be provided.”<sup>11</sup> Although not required to do so at the same time as the UGB expansion action, the City’s action does take the next steps to actually plan for the needed public facilities and services.

Goal 11 requires that urban development be supported by urban facilities and services, including schools and recreation facilities. The Bethel School District has determined that there is an inadequate supply of suitable land inside the existing UGB to meet that District’s needs for its 10 year planning period. ORS 195.110(6) requires the City and County to cooperate with Bethel School District in identifying land for its needed school facilities and to take necessary actions (e.g. adding a site designated for school facilities to the UGB). The actions taken to add a site to the UGB for Bethel School District’s use respond to this requirement, addressed more thoroughly under Statewide Planning Goal 14 findings and the “UGB Expansion Analysis for School Land” (Appendix A to these findings). The need for additional park land in underserved areas of the Eugene community is also thoroughly addressed under Statewide Planning Goal 14 Findings. Also see findings under Statewide Planning Goal 8.

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<sup>11</sup> The requirements of Goal 14 and OAR 660-024 are addressed in the finding’s evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative expansion areas.

To address the need for sewer (wastewater and stormwater) and water the City's action amends its public facilities plan to address the needs of the areas newly included in the UGB. Therefore, the City makes the following findings addressing Goal 11 and the rules that implement Goal 11.

Goal 11 and ORS 197.712 require Eugene to have a public facilities plan for water, sewer and transportation services within the UGB. LCDC has acknowledged the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) as Eugene's public facilities plan for water and sewer (wastewater and stormwater). Transportation planning is addressed under Goal 12, below.<sup>12</sup> The City's action includes amendments to the PFSP intended to assure a timely, orderly and efficient arrangement of public facilities and services, and to serve as a framework for serving the anticipated future development within the UGB, as expanded.

Based on analysis from the City regarding wastewater and storm water (sewer) and from the Eugene Water and Electric Board (EWEB) regarding water,<sup>13</sup> the projects identified on the tables below, are necessary to serve the two UGB expansion areas and they will serve only those developments located within the City's UGB. Although additional infrastructure improvements may be necessary to provide services to these areas, these additional improvements do not rise to the level of being required to be included within the PFSP as per OAR 660-011-0005(7)(a)-(c). Such improvements will be addressed through the City's or EWEB's master plans and capital improvement programs (CIP), or be the responsibility of private developers.

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<sup>12</sup> The TPR purpose statement, OAR 660-12-000, explains the TPR serves the following purposes, among others: "[t]o establish that transportation system plans adopted under the TPR fulfill the requirements for public facilities planning required under ORS 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 11, as they relate to transportation facilities."

<sup>13</sup> Information regarding wastewater from May 7, 2015 memo from Teri Higgins, City of Eugene Public Works Engineering regarding "Facilities Plan Update – Wastewater Cost Estimates," and from follow-up July 7, 2015 email. Information regarding stormwater from July 17, 2015 memo from Therese Walch, City of Eugene Public Works Engineering regarding "Public Facilities and Services Plan Update – Stormwater" and follow-up emails. Information regarding water from July 17, 2015 email from Laura Farthing, Eugene Water and Electric Board Senior Engineer - Water regarding "Current PFSP Projects-Water" and follow-up emails.

**PFSP Projects Necessary to Serve UGB Expansion Areas**

	<b>PFSP Projects for Clear Lake Expansion Area (Employment, Park and School Site)</b>	<b>PFSP Projects for Santa Clara Expansion Area (Park Site)</b>
<p><b>Water</b></p> <p>Per OAR 660-011-0005(7)(a), public water facility systems are limited to:</p> <ul style="list-style-type: none"> <li>-Sources of water</li> <li>-Treatment system</li> <li>-Storage system</li> <li>-Pumping system</li> <li>-Primary distribution system</li> </ul> <p>PFSP includes proposed transmission lines 24" or larger, reservoirs, pump stations and sources of water.</p>	<p>None.</p>	<p>None.</p>
<p><b>Wastewater</b></p> <p>Per OAR 660-011-0005(7)(b), public wastewater facility systems are limited to:</p> <ul style="list-style-type: none"> <li>-Treatment facility system</li> <li>-Primary collection system</li> </ul> <p>Note: PFSP includes proposed lines that 24" or larger, and local or regional pump stations</p>	<p><i>Enid Road</i></p> <ul style="list-style-type: none"> <li>• 6.1 MGD Pump Station (\$2.8 M)</li> <li>• 24" Gravity Line (\$1.2 M)</li> </ul> <p>Pump station to be located in Enid Road area, on yet to be identified property (approximately 22,000 square feet). Does not include property acquisition. Includes removal of the existing Enid Road pump station.</p>	<p>None.</p>

<p><b>Stormwater</b></p> <p>Per OAR 660-011-0005(7)(c), public stormwater facility systems are limited to:</p> <p>-Major drainageways</p> <p>-Outfall locations</p> <p>Note: PFSP includes proposed drainage/channel improvements and/or piping systems 36" or larger, detention ponds, outfalls and water quality projects</p>	<p><i>Awbrey Lane at Highway 99</i></p> <ul style="list-style-type: none"> <li>• Culvert upgrade and enhance channel capacity (\$390,000)</li> </ul> <p><i>Green Hill Road/ North of Old Airport Road</i></p> <ul style="list-style-type: none"> <li>• Channel and culvert improvements (\$1,625,000)</li> </ul> <p><i>Green Hill Road to Awbrey Lane</i></p> <ul style="list-style-type: none"> <li>• Channel and culvert improvements (\$880,000)</li> </ul> <p><i>Clear Lake Road</i></p> <ul style="list-style-type: none"> <li>• Channel and culvert improvements (\$640,000)</li> </ul> <p><i>West of Terry Street</i></p> <ul style="list-style-type: none"> <li>• New open channel, including possible acquisition (\$400,000)</li> </ul>	<p>None.</p>
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In addition to the above projects needed to serve the UGB expansion areas, the City and EWEB have identified several additional projects needed to ensure that certain areas within the current UGB can also be provided with sewer and water to accommodate growth expected inside the UGB.

**PFSP Projects Necessary to Serve Areas within Current UGB**

<p style="text-align: center;"><b>PFSP Projects for Areas inside Current UGB</b></p>	
<p><b>Water</b></p> <p>Per OAR 660-011-0005(7)(a), public water facility systems are limited to:</p> <p>-Sources of water</p> <p>-Treatment system</p>	<ul style="list-style-type: none"> <li>• Hawkins Hill Reservoir Seismic Upgrades – Reservoir will be divided in half and seismic upgrades to bring the Reservoir up to current code (\$1,927,000)</li> <li>• Replace the existing 1.25 MG Willamette 800 Reservoir (\$1,500,000)</li> <li>• Construct a new Shasta 1150 Constant Run Pump Station in lieu of a new reservoir (\$500,000)</li> <li>• Construct a new Willamette 975 Pump Station (\$857,000)</li> <li>• Construct a new Crenshaw 800 Pump Station – Adds fire flow and domestic service for the Gillespie Butte Area (\$925,000)</li> </ul>

<p>-Storage system</p> <p>-Pumping system</p> <p>-Primary distribution system</p> <p>PFSP includes proposed transmission lines 24" or larger, reservoirs, pump stations and sources of water.</p>	<ul style="list-style-type: none"> <li>• Construct new Hawkins View 1150 Pump Station (\$953,000)</li> <li>• Replace the existing Crest 1150 Pump Station (\$982,000)</li> <li>• Construct new Santa Clara Pump Station and 5 MG Reservoir at the existing Santa Clara Pump Station and Reservoir site (\$12,442,000)</li> <li>• Construct new 5 MG College Hill Reservoir and decommission existing 15 MG College Hill Reservoir. (\$9,370,000)</li> <li>• Construct 10,000 feet of 36-inch pipeline in 23rd Avenue and Alder Street (\$8,971,000)</li> <li>• Construct 5 MG Elliott Reservoir (\$9,370,000)</li> <li>• Construct 5 MG Reservoir at either the Santa Clara site, Elliott site, or Oakhill Reservoir Site (off Cantrall Rd) (\$9,370,000)</li> </ul>
<p><b>Wastewater</b></p> <p>Per OAR 660-011-0005(7)(b), public wastewater facility systems are limited to:</p> <p>-Treatment facility system</p> <p>-Primary collection system</p> <p>Note: PFSP includes proposed lines that 24" or larger, and local or regional pump stations</p>	<p><i>Bailey Hill/Gimpl Hill</i></p> <ul style="list-style-type: none"> <li>• 0.8 MGD Pump Station (\$800,000)</li> </ul> <p>To be located in vicinity of intersection of Gimpl Hill Road/Gimpl Way on yet to be identified property (approximately 600 square feet).</p> <p><i>North Delta Highway (River Ridge)</i></p> <ul style="list-style-type: none"> <li>• 0.3 MGD Pump Station (\$600,000)</li> </ul> <p>To be located around the northwest corner of the River Ridge golf course on yet to be identified property (approximately 600 square feet).</p> <p><i>North Coburg Road</i></p> <ul style="list-style-type: none"> <li>• 0.3 MGD Pump Station (\$600,000)</li> </ul> <p>To be located north of Coburg Road, on yet to be identified property (approximately 600 square feet).</p>
<p><b>Stormwater</b></p> <p>Per OAR 660-011-0005(7)(c), public stormwater facility systems are limited to:</p> <p>-Major drainageways</p> <p>-Outfall locations</p>	<ul style="list-style-type: none"> <li>• None.<sup>14</sup></li> </ul>

<sup>14</sup> Following the update of the city's the stormwater basin plans, additional projects called for in those plans will be added to the PFSP.

Note: PFSP includes proposed drainage/channel improvements and/or piping systems 36" or larger, detention ponds, outfalls and water quality projects	
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To comply with the applicable provisions of state, the above identified projects, rough cost estimates and timing necessary to serve the UGB expansion areas and other areas in the City's current UGB must be adopted into the PFSP. To that end, the following tables and maps from the PFSP are amended as part of this action:

- Table 1 EWEB Water System Improvements Projects (projects 111-117, 223, 226, 238-242)
- Table 3 City of Eugene Wastewater System Improvement Projects (projects 100, 202-204)
- Table 5 City of Eugene Stormwater System Improvement Projects (projects 59-63)
- Table 13 EWEB Water System Improvements, Estimated Costs, and Timing (projects 111-117, 223, 226, 238-242)
- Table 15 City of Eugene Wastewater System Improvements, Estimated Costs, and Timing (projects 100, 202, 204)
- Table 17 City of Eugene Stormwater System Improvements, Estimated Costs, and Timing (projects 59-63)
- Map 1 Planned Water Facilities
- Map 2 Planned Wastewater Facilities
- Map 3 Planned Stormwater Facilities
- Map 8 Public Service Availability in Eugene-Springfield Metropolitan Area

The amendments to these tables and maps from the PFSP are provided as Exhibits C-1 and C-2 to the City's adoption ordinance. Regarding these amendments, the relevant Oregon Administrative Rules and findings addressing each are provided below.

**OAR 660-011-0010 -- The Public Facility Plan**

**(1) The public facility plan shall contain the following items:**

- (a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;**
- (b) A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;**
- (c) Rough cost estimates of each public facility project;**
- (d) A map or written description of each public facility project's general location or service area;**
- (e) Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the**

**system within the area covered by the public facility plan, then the provider of each project shall be designated;**

**(f) An estimate of when each facility project will be needed; and**

**(g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.**

This OAR provides a summary of the required components of a public facility plan. As addressed previously, the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) has been acknowledge by the state as Eugene’s public facilities plan for water and sewer. The adopted PFSP contains all of the items required by (1)(a) through (g) above. The parts of the PFSP required by subsections (b), (c), (d) and (f) are being amended to reflect the projects necessary to serve the UGB expansion areas and other areas in the City’s current UGB; the remaining portions of the PFSP do not need to be amended for this action.

Each required component has a corresponding OAR that provides more detailed requirements:

- Subsection (b) is addressed below under OAR 660-011-0020.
- Subsection (c) is addressed below under OAR 660-011-0035.
- Subsection (d) is addressed below under OAR 660-011-0030.
- Subsection (f) is addressed below under OAR 660-011-0025.

The findings under each of these OAR (below) are incorporated here as demonstration that the amendments comply with OAR 660-011-0010.

#### **OAR 660-011-0020 -- Public Facility Inventory and Determination of Future Facility Projects**

**(2) The public facility plan shall identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. The public facility plan shall list the title of the project and describe each public facility project in terms of the type of facility, service area, and facility capacity.**

Tables 3, 5 and 7 of the PFSP are being amended to identify significant public facility projects necessary to serve the UGB expansion areas and other areas in the City’s UGB, including the project title and description, consistent with this OAR.

#### **OAR 660-011-0025 -- Timing of Required Public Facilities<sup>15</sup>**

**(1) The public facilities plan shall include a general estimate of the timing for the planned public facility projects. This timing component of the public facilities plan can be met in several ways depending on whether the project is anticipated in the short term or long term. The timing of projects may be related directly to population growth, e.g., the expansion or new construction of water treatment facilities. Other facility projects can be related to a measure of the facility's service level being met or exceeded, e.g., a major arterial or intersection reaching a maximum vehicle-per-day standard. Development of other projects may be more long term and tied neither**

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<sup>15</sup> Anticipated timing provisions for public facilities are not considered land use decisions as specified in ORS 197.712(2)(e), and, therefore, cannot be the basis of appeal under ORS 197.610(1) and (2) or 197.835(4). OAR 660-011-0025(3).

to specific population levels nor measures of service levels, e.g., sewer projects to correct infiltration and inflow problems. These projects can take place over a long period of time and may be tied to the availability of long-term funding. The timing of projects may also be tied to specific years.

- (2) Given the different methods used to estimate the timing of public facilities, the public facility plan shall identify projects as occurring in either the short term or long term, based on those factors which are related to project development. For those projects designated for development in the short term, the public facility plan shall identify an approximate year for development. For those projects designated for development over the long term, the public facility plan shall provide a general estimate as to when the need for project development would exist, e.g., population level, service level standards, etc. Timing provisions for public facility projects shall be consistent with the acknowledged comprehensive plan's projected growth estimates. The public facility plan shall consider the relationships between facilities in providing for development.

Tables 13, 15, 17 and Map 8 of the PFSP are being amended to provide a general estimate of the timing for the public facility projects necessary to serve the UGB expansion areas and other areas in the City's UGB, including whether the project is anticipated in the short term or long term and an estimated completion year, consistent with this OAR.

#### **OAR 660-011-0030 --Location of Public Facility Projects**

- (1) The public facility plan shall identify the general location of the public facility project in specificity appropriate for the facility. Locations of projects anticipated to be carried out in the short term can be specified more precisely than the locations of projects anticipated for development in the long term.

Maps 1, 2 and 3 of the PFSP are being amended to show the general location of the newly added public facility projects for water and sewer consistent with this OAR.

#### **OAR 660-011-0035 -- Determination of Rough Cost Estimates for Public Facility Projects and Local Review of Funding Mechanisms for Public Facility Systems<sup>16</sup>**

- (1) The public facility plan shall include rough cost estimates for those sewer, water, and transportation public facility projects identified in the facility plan.

Tables 13, 15 and 17 of the PFSP are being amended to include rough cost estimates for the newly added projects for water and sewer, consistent with this OAR.

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<sup>16</sup> Anticipated financing provisions are not considered land use decisions as specified in ORS 197.712(2)(e) and, therefore, cannot be the basis of appeal under ORS 197.610(1) and (2) or 197.835(4). OAR 660-011-0035(2).

# 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 660-024-0020 -- Adoption or Amendment of a UGB**

**(1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:**

**(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;**

The actions taken by the City and County preserve the land added to the UGB for its current use unless / until a development is proposed for the land that will meet the specific industrial development needs that gave rise to the UGB expansion. At that time, there must be a change in the zoning of these lands, to a zone that will allow the planned industrial use. That later rezoning action will require analysis under Goal 12 and its implementing rules at OAR 660-012-0060.

Pursuant to OAR 660-024-0020(1)(d), no analysis under that section is needed at this time. The actions taken do not allow the land added to the UGB to develop in a way that would generate more vehicle trips than development allowed by the zoning that was assigned prior to inclusion in the UGB. Before being added to the UGB, the land was zoned either: E-40 (Exclusive Farm Use Zone with a 40-acre minimum lot size; See Lane Code at 16.212), E-30 (Exclusive Farm Use Zone with a 30-acre minimum lot size; See Lane Code at 16.212) or RR-5 (Rural Residential with a 5-acre minimum lot size; See Lane Code at 16.290). All land added to the UGB will be included in the Agricultural base zone (See Lane County Code for the Eugene Urban Transition Area (“UTA Code”) at 9.2000 – 9.2010), with the /UL (Urbanizable Land) overlay zone (See UTA Code at 9.4600 – 9.4650). Most lots will also be in the new /CL Clear Lake overlay zone that is adopted with these actions. In addition, some lots also have the /CAS Commercial Airport Safety overlay zone (UTA Code at 9.4100 – 9.4130) or the /WR Water Resources Conservation overlay zone (UTA Code at 9.4900 – 9.4980). The following Table is illustrative. See also, Exhibit A-3 to the Ordinance.

Current Zoning	New / Interim Zoning
E-40	AG/UL/CAS - or - AG/UL/CAS/CL
E-30	AG/UL/WR
RR5	AG/UL

Future changes in the zoning of this land to a zone that would allow a more intense use, will require analysis under Goal 12 and its implementing rules at OAR 660-012-0060. Pursuant to OAR 660-024-0020(1)(d), no analysis under that section is needed at this time.

In conjunction with the Envision Eugene UGB Project, the City of Eugene has developed a new local transportation system plan, the Eugene 2035 Transportation System Plan. As of May, 2017, that Plan has not yet been adopted, but is scheduled for adoption prior to the adoption of the UGB. The 2035 Transportation System Plan addresses all of the requirements of Goal 12 and its implementing rules at OAR 660-012. The findings prepared for the 2035 TPR adoption ordinance are included in the record for this action and, to the extent applicable, are incorporated herein.

Five transportation projects needed for the 2035 population (the population addressed in the 2035 Transportation System Plan) have been identified on land located in the UGB expansion areas. These are added to the 2035 Transportation System Plan by section 5 and Exhibit D of the City's Employment, Park and School Ordinance. Additional amendments to the 2035 Transportation System Plan will be proposed in the future to update language in the 2015 Transportation System Plan to add references to the Envision Eugene Comprehensive Plan and to revise text related to the five additional projects added with this Ordinance (e.g. update references to the number of projects, financial information regarding the collective cost of projects, and maps showing the location of the UGB).

## **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<sup>17</sup>

## 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.

Prior to 2011, the Cities of Eugene and Springfield shared a single, regional UGB. Actions taken by the City of Springfield and Lane County in 2011 established a new UGB line along I-5 that resulted in two UGBs. Since that time, both cities have worked to ensure that their separate UGBs include enough land to accommodate their independent populations for 20 years.

With this action of the City of Eugene and Lane County, Eugene is adopting a precise location for its UGB line, and expanding its UGB to provide land for its urban development needs for employment, parks and schools until 2032.

**An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements, except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.**

Eugene is the only City within the Eugene UGB, located entirely within Lane County. The amendments to the City of Eugene’s UGB are being adopted by the City of Eugene and Lane County.

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<sup>17</sup> Amendments to Statewide Planning Goal 14 and its administrative rules at OAR 660-024 took effect on January 1, 2016. The City of Eugene is not required to address the amendments for purposes of its UGB work, pursuant to HB 4126 (2016) and OAR 660-024-0000(4), which provides: “The rules in this division adopted on December 4, 2015, are effective January 1, 2016, except that a local government may choose to not apply the amendments to rules in this division adopted December 4, 2015 to a plan amendment concerning the amendment of a UGB, regardless of the date of that amendment, if the local government initiated the amendment of the UGB prior to January 1, 2016.”

## Land Need

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

**(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 employment land needs of its long range population, Eugene has studied the 20-year period between 2012 and 2032. Where a population figure is needed, consistent with Oregon Laws 2013 c.574 §3, Eugene has relied 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. However, State laws and rules do not refer to the population forecast to determine employment land need. OAR 660-024-0040(9) sets out some optional “safe harbors” for determining employment land need. Eugene is relying on the safe harbor at OAR 660-024-0090(9)(a)(A), which provides a method for determining Eugene’s employment growth rate by assuming that the current number of jobs in the Eugene urban area will grow during the 20-year planning period at a rate equal to “the county or regional job growth rate provided in the most recent forecast published by the Oregon Employment Department.” See Chapter 5 of the Eugene Economic Opportunities Analysis located at section II of the Envision Eugene Employment Land Supply Study.

The City relied on information obtained from the three school districts and Eugene Parks and Recreation documents within the Eugene UGB to determine their facility needs over the 20-year planning period. These are described in more detail in the UGB Expansion Analysis for School Land and UGB Expansion Analysis for Park Land located at Appendices A and C to these Findings.

**(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 UGB established by this ordinance is based on a demonstrated need for employment opportunities, schools, parks and the facilities needed to serve those uses. (Residential land supply and demand are addressed through a separate ordinance with separate findings.) In determining the need for such employment, park and school land, the local governments have specified characteristics necessary for land to be suitable for an identified need.

For employment, those characteristics are described in Chapter 6 of the Eugene Economic Opportunities Analysis located at section II of the Envision Eugene Employment Land Supply Study. They are considered in the evaluation of land for inclusion in the UGB. See the UGB Expansion Analysis for Employment Land at Appendix B to these findings.

Suitability characteristics for the needed school site for Bethel School District are discussed in section III of the UGB Expansion Analysis for School Land attached at Appendix A to these Findings. Suitability characteristics for the needed community parks are discussed in section III of the UGB Expansion Analysis for Park Land attached at Appendix C to these Findings.

**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 City made all reasonable efforts to accommodate its land needs without expanding its UGB. With respect to employment land, the City is able to meet all of its 20-year populations' need for commercial and retail employment within the pre-expansion UGB. Part IV of the Employment Land Supply Study ("Measures to Increase Employment Development") documents the measures the City took to increase the capacity of the land inside its UGB to accommodate employment needs.

The need to expand the UGB to locate the Bethel School District facility is discussed in section II of the UGB Expansion Analysis for School Land attached at Appendix A to these Findings. The need to expand the UGB to locate a community park for the Bethel/Danebo area and for the River Road/Santa Clara area is discussed in section II of the UGB Expansion Analysis for Park Land attached at Appendix C to these Findings.

**The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298, and with consideration of the following factors:**

**(1) Efficient accommodation of identified land needs;**

As directed by the Oregon Court of Appeals, the City considers this factor at sections III.g.(2) and (3) of the UGB Expansion Analysis for Employment Land at Appendix B to these findings.

**(2) Orderly and economic provision of public facilities and services;**

As directed by the Oregon Court of Appeals, the City considers this factor at sections III.g.(2) and (3) of the UGB Expansion Analysis for Employment Land at Appendix B to these findings.

**(3) Comparative environmental, energy, economic and social consequences; and**

As directed by the Oregon Court of Appeals, the City considers this factor at sections III.f.(6)(d), (7)(d) and (8)(d) and also at sections III(g)(2) and (3) of the UGB Expansion Analysis for Employment Land at Appendix B to these findings.

**(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.**

As directed by the Oregon Court of Appeals, the City considers this factor at sections III.f.(6)(c), (7)(c) and (8)(c) and also at sections III.g.(2) and (3) of the UGB Expansion Analysis for Employment Land at Appendix B to these findings.

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

This action includes amendments to the public facilities plan and the transportation plan to ensure that the land identified to meet the City's 20-year needs can be served with urban facilities and services. See Ordinance Exhibits C-1, C-2 and D.

**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.**

This action includes adoption of a /CL Clear Lake overlay zone that is being applied to the employment land being added to the UGB for planned large site industrial development. The /CL overlay zone protects those sites by limiting land divisions and permissible uses and activities that interfere with development of the sites for their intended uses. See EC 9.4150 through 9.4170 of proposed code provisions at Exhibit E to the City’s ordinance. See also “Addendum to UGB Expansion Analysis for Employment Land” at Appendix D to these findings. Lane County is also adopting those provisions into the Urban Transition Code that will be applied in the UGB expansion areas.

**ORS 197.298 -- Priority of land to be included within urban growth boundary.**

**(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:**

**(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.**

Lane County and the City of Eugene have not designated any urban reserve land.

**(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.**

The City of Eugene conducted a substantial analysis of second priority land in its study area (all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified deficiency) to determine its adequacy to accommodate the school site needed. The land included in Eugene’s study area for the school site is described in section V.a of the UGB Expansion Analysis for School Land at Appendix A to these findings. The identification, analysis and substantive findings addressing the second priority land are located in section V.d of that Analysis.

The City of Eugene conducted a substantial analysis of the second priority land in its study area (all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified deficiency) to determine its adequacy to accommodate the amount of employment land needed. The land included in Eugene’s study area for employment is described in section III.a of the UGB Expansion Analysis for Employment Land at Appendix B to these findings. The identification, analysis and substantive findings addressing the second priority land are located in section III.d of that Analysis.

The City of Eugene conducted a substantial analysis of the second priority land in its study area (all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified deficiency) to determine its adequacy to accommodate the amount of park land needed. The land included in Eugene’s study area for the two community parks is described in the UGB Expansion Analysis for Park Land at Appendix C to these findings in section V.a under both “Bethel/Danebo Community Park” and “River Road/Santa Clara Community Park.” The identification, analysis and substantive findings

addressing the second priority land are located in section V.d under both “Bethel/Danebo Community Park” and “River Road/Santa Clara Community Park.”

**(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).**

There is no third priority land in the study area for the Bethel School facility.

The City of Eugene conducted a substantial analysis of the third priority land in its study area (all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified deficiency) to determine its adequacy to accommodate the amount of employment land needed. The land included in Eugene’s study area for employment is described in section III.a of the UGB Expansion Analysis for Employment Land at Appendix B to these findings. The identification, analysis and substantive findings addressing the third priority land are located in section III.e of that Analysis.

There is no third priority land in the study areas for the community parks.

**(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.**

The City of Eugene conducted a substantial analysis of fourth priority land in its study area (all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified deficiency) to determine its adequacy to accommodate the school site needed. The land included in Eugene’s study area for the school site is described in section V.a of the UGB Expansion Analysis for School Land at Appendix A to these findings. The identification, analysis and substantive findings addressing the fourth priority land are located in section V.f of that Analysis.

The City of Eugene conducted a substantial analysis of the fourth priority land in its study area (all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified deficiency) to determine its adequacy to accommodate the amount of employment land needed. The land included in Eugene’s study area for employment is described in section III.a of the UGB Expansion Analysis for Employment Land at Appendix B to these findings. The identification, analysis and substantive findings addressing the fourth priority land are located in section III.f of that Analysis.

The City of Eugene conducted a substantial analysis of the fourth priority land in its study area (all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified deficiency) to determine its adequacy to accommodate the amount of park land needed. The land included in Eugene’s study area for the two community parks is described in the UGB Expansion Analysis for Park Land at Appendix C to these findings in section V.a under both “Bethel/Danebo Community Park” and “River Road/Santa Clara Community Park.” The identification, analysis and substantive findings addressing the fourth priority land are located in section V.f under both “Bethel/Danebo Community Park” and “River Road/Santa Clara Community Park.”

**(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.**

With respect to the UGB Expansion Analysis for School Land and the UGB Analysis for Park Land, the potential sites were narrowed to one potential site based on considerations required before this provision is applied. Therefore this provision was inapplicable in both of those Expansion Analyses.

In its UGB Expansion Analysis for Employment Land, Appendix B to these findings, the City gave higher priority to agricultural land of lower capability as measured by the capability classification system. The analysis and substantive findings demonstrating this prioritization of agricultural land are located in section III.f of the UGB Expansion Analysis for Employment Land at Appendix B to these findings. Detailed information about this prioritization is included in the “Soil Evaluation of Suitable Candidate Sites” document attached to the UGB Expansion Analysis for Employment Land.

**(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:**

**(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;**

The UGB Expansion Analysis for School Land, Appendix A to these findings, includes consideration of the location-based and other site needs for the required school facility. See section III of that Analysis. This resulted in the dismissal of second-priority land that could not reasonably accommodate the needed school. See UGB Expansion Analysis for School Land at section V.d.(1).

The City’s EOA at Part II of the Employment Land Supply Study identifies two site characteristics (site size and proximity to a freight route) that must be present to reasonably accommodate the types of employment expected to locate in Eugene during the planning period. In the evaluation of each subarea in section III of the UGB Expansion Analysis for Employment Land (Appendix B to these findings), after dismissing land with development constraints, the City identifies and dismisses land that cannot reasonably accommodate the City’s employment land needs due to insufficient size or too great a distance from a freight route. This provision of state law is discussed in detail in section II.c.(2) of the UGB Expansion Analysis for Employment Land. Also see related findings under OAR 660-024-0060.

The UGB Expansion Analysis for Park Land, Appendix C to these findings, includes consideration of the location-based and other site needs for the required community parks. See section III of that Analysis. This resulted in the dismissal of second-priority land that could not reasonably accommodate the needed parks. See UGB Expansion Analysis for Park Land at section V.d.(1).

**(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or**

The City of Eugene does not rely on ORS 197.298(3)(b) in its analysis of land in its study area. The City does not find that service to any higher priority land “could not reasonably be provided due to topographical or other physical constraints.”

**(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.**

The City of Eugene does not rely on ORS 197.298(3)(c) in its analysis of land in its study area. The City does not find that any lower priority lands are needed in the UGB “in order to include or to provide services to higher priority lands.”

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

**660-024-0020 Adoption or Amendment of a UGB**

- (1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:**
- (a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);**
  - (b) Goals 3 and 4 are not applicable;**
  - (c) Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;**
  - (d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;**
  - (e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;**
  - (f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;**
  - (g) Goal 19 is not applicable to a UGB amendment.**

See findings addressing Goals 2, 3, 4, 5, 12, 15, 16, 17, 18, and 19.

- (2) The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.**

Actions taken by this ordinance result in a precisely-defined Eugene UGB that will allow interested parties to determine, with certainty, whether a tax lot or part of a tax lot is included within the UGB. To make the UGB’s location most useful, the City and County are adopting it in an electronic format (a shapefile) as Appendix A to the Envision Eugene Comprehensive Plan. See Policy 11.1 of the EECPP and Exhibit B-2 to the ordinance. The adopted UGB file will be saved, unchanged unless/until the UGB is formally amended in the future. In the meantime, the UGB file can be made available to anyone wishing to use it as a GIS layer. This is intended to eliminate the difficulties that Eugene has encountered with the limitations of a paper map.

Before this action, the mapping of the Eugene UGB was difficult to apply in some areas. The Eugene UGB is almost entirely lot-specific, meaning it bisects very few tax lots. For the 29 areas around the UGB where the July 31, 2015 tax-lot lines could not be used to easily define the UGB, the City applied a published methodology to define the UGB's location and produced a precise written description of the Boundary in that area. With the electronic mapping of the UGB, referral to this written description should be unnecessary. However, it is included in ordinance materials as findings to demonstrate the basis for the location in those area. See Appendix D to these findings, titled "Summary of Methodology to Refine the Eugene Urban Growth Boundary Location." This exercise was done with specific outreach and (when requested) correspondence with owners in these areas.

**OAR Chapter 660, Division 024**

**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.**

The 20-year planning period for the actions taken is 2012-2032. Where a population figure is needed for the actions taken, the City and County rely 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 DLCD. 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. Oregon Laws 2013 c.574 §3 and the OAR are clear that that, in these circumstances, the City could continue its review using that 2009 population forecast. State laws and rules do not refer to the population forecast to determine employment land need. OAR 660-024-0040(9) sets out some optional "safe harbors" for determining employment land need. Eugene is relying on the safe harbor at OAR 660-024-0090(9)(a)(A).

The UGB established by this ordinance is based on a demonstrated need for employment opportunities, schools, parks and the facilities needed to serve those uses. (Residential land supply and demand are addressed through a separate ordinance with separate findings.) In determining the need for such employment, park and school land, the local governments have specified characteristics necessary for land to be suitable for an identified need.

- (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 a 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 employment, park and school land needs, not housing need. Through a separate, concurrent action, the City is taking actions in consideration of the need for housing.

- (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).

- (5) Except for a metropolitan service district described in ORS 197.015(13), the determination of 20-year employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR chapter 660, division 9, and must include a determination of the need for a short-term supply of land for employment uses consistent with 660-009-0025. Employment land need may be based on an estimate of job growth over the planning period; local government must provide a reasonable justification for the job growth estimate but Goal 14 does not require that job growth estimates necessarily be proportional to population growth.**

OAR 660-024-0040(9) sets out some optional “safe harbors” for determining employment land need. Eugene is relying on the safe harbor at OAR 660-024-0090(9)(a)(A).

See findings under Goal 9 and OAR 660-009, above. Regarding short term supply, see findings under 660-009-0025(3), above.

- (7) The determination of 20-year land needs for transportation and public facilities for an urban area must comply with applicable requirements of Goals 11 and 12, rules in OAR chapter 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768. The determination of school facility needs must also comply with 195.110 and 197.296 for local governments specified in those statutes.**

See findings under Goals 11 and 12, above. With respect to planning for the need of school districts, Policy 10.3 of the Envision Eugene Comprehensive Plan addresses this requirement. As noted above, as part of this legislative review of the Eugene UGB, the City consulted with the school districts whose boundaries include land within the Eugene UGB and an expansion to meet the 20-year need for schools is included.

- (9) The following safe harbors may be applied by a local government to determine its employment needs for purposes of a UGB amendment under this rule, Goal 9, OAR chapter 660, division 9, Goal 14 and, if applicable, ORS 197.296.**
- (a) A local government may estimate that the current number of jobs in the urban area will grow during the 20-year planning period at a rate equal to either:**
- (A) The county or regional job growth rate provided in the most recent forecast published by the Oregon Employment Department; or**
- (B) The population growth rate for the urban area in the appropriate 20-year coordinated population forecast determined under Rules in OAR 660, div 32.**
- (b) A local government with a population of 10,000 or less may assume that retail and service commercial land needs will grow in direct proportion to the forecasted urban area population growth over the 20-year planning period. This safe harbor may not be used to determine employment land needs for sectors other than retail and service commercial.**

The City relies on the safe harbor provided at (9)(a)(A). See EOA (Part II of the Employment Land Supply Study) at section 5.1.1, under "Employment Projection."

#### **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 employment land, the inventory must include suitable vacant and developed land designated for industrial or other employment use, and must be conducted in accordance with OAR 660-009-0015.**

The City's Envision Eugene Employment Land Study summarizes the analysis of the land inside the UGB to determine whether there is adequate development capacity to accommodate the City's employment land needs from 2012-2032. This includes a detailed analysis of suitable vacant and developed (partially vacant and redevelopable) land that was inside the UGB before its expansion. See Employment Land Supply Study Part I, section 4 (under headings: "Vacant Land," "Developed Land," "Partially Vacant Land," and "Redevelopment Potential of Developed Employment Land"). The City also took actions to increase that baseline supply, as described in Part IV of the Employment Land Supply Study.

Chapter 6 of the EOA sets out the analysis comparing that 2012 employment land supply with the demand for employment land that will arise through 2032. For most employment sites needed, the EOA concludes that the 2012 supply is sufficient. However, the 2012 supply of land is insufficient to meet the 2032 need for: 4 sites of between 10 – 20 acres, 2 sites of between 20-50 acres, 3 sites of between 50-65 acres, and 2 sites of at least 75 acres. Therefore, the City and County actions include an expansion of the UGB to provide for those 11 needed industrial sites.

See, also, findings under OAR 660-009-0015.

**(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 . . . 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.**

Chapter 6 of the EOA (See Part II of the Employment Land Supply Study) sets out the analysis leading to the conclusion that the development capacity of land inside the 2012 UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040. In response the City took all reasonable actions to increase the capacity of the land inside the UGB to satisfy the need deficiency. Those actions are described and quantified in Part IV of the Employment Land Supply Study (“Measures to Increase Employment Development (2012-2032)”). Even after those measures, a deficit of land for large-lot industrial needs was identified, as discussed under the previous findings.

As explained below, the City’s expansion of the UGB was conducted by evaluating alternative boundary locations consistent with Goal 14 and OAR 660-024-0060.

**(6) When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. . . .**

As part of the actions taken, the land in the UGB expansion areas are being assigned new Metro Plan designations. The new land use designations make the future intended use of the land clear. However, to allow the land to continue in its current use, the base zoning of the land zoning will remain consistent with its pre-action zoning. Overlay zones are assigned to apply “urbanizable land” regulations, and other relevant regulations (airport safety areas, natural resource protections). When land in the industrial expansion area is proposed for industrial development, it will be annexed to the City and rezoned to the intended industrial zone. This process is set out through the “Metro Plan Designation Changes and Zone Changes” table at Exhibit A-3 to the ordinance and through changes to the Eugene Code and Urban Transition Code at 9.7820(3)(c) and its related Figure.

**660-024-0060 - Boundary Location Alternatives Analysis**

- (1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:**
- (a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.**
  - (b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.**
  - (c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.**
  - (d) Notwithstanding subsection (a) to (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).**

See findings under ORS 197.298 and the findings addressing the location factors of Goal 14, above.

- (e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.**

The UGB Expansion Analysis for School Land, Appendix A to these findings, includes consideration of attributes that make land unbuildable for the identified use, and of the location-based and other site needs for the required school facility. See section III of that Analysis. This resulted in the dismissal of second and fourth priority land that could not reasonably accommodate the needed school. See UGB Expansion Analysis for School Land at sections V.d.(1) and V.f.(1) and (2).

The City's EOA at Part II of the Employment Land Supply Study identifies two site characteristics (site size and proximity to a freight route) that must be present to reasonably accommodate the types of employment expected to locate in Eugene during the planning period. In the evaluation of each subarea in section III of the UGB Expansion Analysis for Employment Land (Appendix B to these findings), the City dismisses land with development constraints and land that cannot reasonably accommodate the City's employment land needs due to insufficient size or too great a distance from a freight route. These provisions of state law are discussed in detail in section II.c.(1) and (2) of the UGB Expansion Analysis for Employment Land. Also see related findings under OAR 660-024-0060.

The UGB Expansion Analysis for Park Land, Appendix C to these findings, includes consideration of attributes that make land unbuildable for the identified use, and of the location-based and other site needs for the required community parks. See section III of that Analysis. This resulted in the dismissal of second-priority land that could not reasonably accommodate the needed parks. See UGB Expansion Analysis for Park Land at section V.d.(1) and V.f.(1) and (2).

- (3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.**

See findings under location factors of Goal 14, above.

- (4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.**

The study area used in each expansion analysis included all land adjacent to the UGB and all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified deficiency.

The land included in Eugene's study area for school land is described in section V.a of the UGB Expansion Analysis for School Land (Appendix A to these findings).

The land included in Eugene's study area for employment land is described in section III.a. of the UGB Expansion Analysis for Employment Land (Appendix B to these findings).

The land included in Eugene's study area for park land is described in section V.a of the UGB Expansion Analysis for Park Land (Appendix C to these findings).

- (5) If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.**

See findings under ORS 197.298(3) and OAR 660-024-0060(1)(e), above.

- (6) The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.**

Eugene has documented its alternatives analysis in three extremely detailed documents: "UGB Expansion Analysis for School Land," "UGB Expansion Analysis for Employment Land," and "UGB Expansion Analysis for Park Land." These are included in these findings as Appendices A, B, and C. Each of these analysis documents includes text and maps addressing every portion of the study area and every alternative for possible expansion. As the Analyses show, very little "grouping" is used; every potential site was mapped, discussed and considered independently of others.

The following is a very high-level description of the analysis in these studies, in terms of employment land: section III of the "UGB Expansion Analysis for Employment Land" (Appendix B to these findings) identifies 11 subareas of second priority land, one subarea of third priority land and 10 subareas of

fourth priority land. Within the Analysis document, a mini-study is conducted to examine the candidacy of every possible site in each of these subareas, addressing issues of buildability (development constraints), site characteristics, serviceability, ESEE consequences, and compatibility with surrounding agricultural and/or forest uses. The sites with potential to meet the City's need are evaluated based on consideration of the Goal 14 boundary location factors. The analysis painstakingly follows the process identified by the Court of Appeals in the McMinnville case.

- (8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:**
- (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;**
  - (b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and**
  - (c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.**

The City worked with all entities that provide public facilities and services within the Eugene UGB. The City of Eugene and its urban transition area is sufficiently developed at this point to make the extension of facilities and services to any adjacent or nearby area possible within the 20-year planning period, without substantial impact on areas already inside the UGB. For that reason, no land was summarily dismissed from consideration on the basis set out in this rule. Service costs were a consideration when ultimately choosing between alternative boundary locations for the industrial land expansion. See UGB Expansion Analysis for Employment Land (Appendix B to these findings) at section III(g)(2).

## **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.”**

OAR 660-024-0020(1)(e) provides that Statewide Planning Goal 15 is not applicable when amending a UGB unless the land is within the Willamette River Greenway Boundary. The UGB amendments made with this action do not include land within the Greenway Boundary. Therefore, 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

OAR 660-024-0020(1)(f) provides that Statewide Planning Goals 16 through 18 are not applicable when amending a UGB unless the land is within a coastal shorelands boundary. The UGB amendments made with this action do not include land within a coastal shorelands boundary. Therefore, Goals 16, 17 and 18 do not apply.

OAR 660-024-0020(1)(g) provides that Statewide Planning Goal 19 is not applicable when amending a UGB.

## 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; and**

This action includes three types of amendments to the Metro Plan. Most of the Metro Plan amendments made by this ordinance add text to the Metro Plan to refer to the “Eugene UGB” and eliminate or revise text in the Metro Plan that related to the regional UGB, which no longer exists. (The Eugene UGB is adopted as part of the Envision Eugene Comprehensive Plan.) One amendment excludes Eugene from the Metro Plan’s 50-acre minimum for lots in the Campus Industrial Land Use designation. This is necessary to allow the creation of the industrial land sites needed in Eugene over the 2012-2032 planning period.<sup>18</sup> Another amendment (the third type) makes the Metro Plan’s Economic Element inapplicable to Eugene, because the new Envision Eugene Comprehensive Plan will now set out the Economic development policies that apply within the Eugene UGB.

These changes are consistent with the Statewide Planning Goals. To the extent any of these actions implicate a requirement of a Statewide Planning Goal, they are addressed under the Goals, above.

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

The Metro Plan amendments made by this ordinance (described under EC 9.7735(1), above), do not cause any internal inconsistencies in the Metro Plan. The more substantive actions taken by this ordinance relate to the adoption of the Envision Eugene Comprehensive Plan, including the detailed

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<sup>18</sup> The Ordinance includes code amendments that preserve undeveloped industrial sites in the Clear Lake expansion area for future development consistent with the “large lot portfolio” needed.

description of the Eugene UGB and its expansion for employment, park and school uses. The Metro Plan policies that relate to any of the actions taken by this ordinance are addressed here:

**GM 9. A full range of key urban facilities and services shall be provided to urban areas according to demonstrated need and budgetary priorities.**

This UGB adoption package amends the Public Facilities and Services Plan to include new projects to ensure a full range of key urban facilities and services, including stormwater and wastewater conveyance and drinking water will be provided to urban areas both inside the current urban growth boundary and within planned expansion areas.

**GM 31. If expansion of the UGB is contemplated, all other options should be considered and eliminated before consideration of expanding the UGB in the area west of Highway 99 and north of Royal Avenue.**

The City of Eugene Industrial Expansion Study provides a detailed account of the analysis of every possible expansion area, showing that the City's needs could not be met outside of the area west of Highway 99 and north of Royal Avenue. Furthermore, with regard to the legislative intent of this policy, it was originally adopted under the transportation section of the Metro Plan as a protective measure to prevent incompatible use that would impede the function of the Eugene Airport. In accordance with that intent, this expansion area, which does not include residential uses, does not impact the functioning of the airport.

**C.1 Where agricultural land is being considered for inclusion in future amendments to the UGB, least productive agricultural land shall be considered first. Factors other than agricultural soil ratings shall be considered when determining the productivity of agricultural land. Relevant factors include suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation, ownership patterns, land use patterns, proximity to agricultural soils or current farm uses, other adjacent land uses, agricultural history, technological and energy inputs required, accepted farming practices, and farm market conditions.**

The City of Eugene Industrial Expansion Study section 2.g.1 addresses the evaluation of soil consistent with this policy.

**C.9 Each city shall complete a separate study to meet its requirements under the Goal 5 Rule for wetlands, riparian corridors, and wildlife habitat within the UGB. Lane County and the respective city jointly will adopt the inventory and protection measures for the area outside the city limits and inside the UGB.**

This action includes an update to the City and County Goal 5 study for the areas to be added to the Eugene UGB through this action. See findings under Statewide Planning Goal 5, above.

**C.13 Wetland, riparian corridor, or wildlife habitat sites inside the UGB identified after adoption of the applicable Goal 5 inventory of significant sites, that have not been previously considered for inclusion in the inventory, shall be addressed in the following manner:**

- a. **The jurisdiction within which the natural resource is located shall study the site according to the requirements in the Goal 5 administrative rule.**
- b. **Upon the completion of the study, the affected jurisdiction shall determine whether the identified natural resource is significant according to the adopted significance criteria of the affected jurisdiction.**
- c. **If the newly identified site is determined significant, the affected jurisdiction shall complete the Goal 5 requirements for the site, which includes adoption of protection measures for sites identified for protection.**
- d. **The affected jurisdiction will notify affected property owners and interested parties throughout the process.**

See findings under Statewide Planning Goal 5, above.

- G.1 Extend the minimum level and full range of key urban facilities and services in an orderly and efficient manner consistent with the growth management policies in Chapter II-C, relevant policies in this chapter, and other Metro Plan policies.**

The actions taken by this ordinance amend the Public Facilities and Services Plan to include new projects to ensure a full range of key urban facilities and services, including stormwater and wastewater conveyance and drinking water will be provided to urban areas both inside the current urban growth boundary and within planned expansion areas. See Exhibit C to the Ordinance. Additional findings are provided under Goal 11, above.

- G.2 Use the planned facilities maps of the Public Facilities and Services Plan to guide the general location of water, wastewater, stormwater, and electrical projects in the metropolitan area. Use local facility master plans, refinement plans, capital improvement plans and ordinances as the guide for detailed planning and project implementation.**

As stated above, the actions taken include amendments to the Public Facilities and Services Plan to include new projects to ensure a full range of key urban facilities and services, including stormwater and wastewater conveyance and drinking water will be provided to urban areas both inside the current urban growth boundary and within planned expansion areas. See Exhibit C to the ordinance. Additional findings are provided under Goal 11, above.

- G.3 Modifications and additions to or deletions from the project lists in the Public Facilities and Services Plan for water, wastewater, and stormwater public facility projects or significant changes to project location, from that described in the Public Facilities and Services Plan planned facilities Maps 1, 2, 2a and 3, requires amending the Public Facilities and Services Plan and the Metro Plan, except for the following:**
  - a. **Modifications to a public facility project which are minor in nature and do not significantly impact the project's general description, location, sizing, capacity, or other general characteristic of the project; or**
  - b. **Technical and environmental modifications to a public facility which are made pursuant to final engineering on a project; or**

- c. **Modifications to a public facility project which are made pursuant to findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the national Environmental Policy Act of 1969 or any federal or State of Oregon agency project development regulations consistent with that act and its regulations; or**
- d. **Public facility projects included in the PFSP to serve land designated Urban Reserve prior to the removal of the Urban Reserve designation, which projects shall be removed from the PFSP at the time of the next Periodic Review of the Metro Plan.**

As stated above, the actions taken by this ordinance include amendments to the Public Facilities and Services Plan to include new projects to ensure a full range of key urban facilities and services, including stormwater and wastewater conveyance and drinking water will be provided to urban areas both inside the current urban growth boundary and within planned expansion areas. See Exhibit C to the ordinance. Additional findings are provided under Goal 11, above.

- G.4 The cities and Lane County shall coordinate with EWEB, SUB, and special service districts operating in the metropolitan area, to provide the opportunity to review and comment on proposed public facilities, plans, programs, and public improvement projects or changes thereto that may affect one another's area of responsibility.**

Water facilities projects added to the PFSP are shown in ordinance exhibits at Table 1 of Exhibit C-1 and on Map 1 of Exhibit C-2. Also see findings under Goal 11, above.

- G.9 Wastewater conveyance and treatment shall be provided to meet the needs of projected growth inside the UGB that are capable of complying with regulatory requirements governing beneficial reuse or discharge of effluent and beneficial reuse or disposal of residuals.**

Wastewater projects added to the PFSP are shown in Table 3 of Exhibit C-1 and on Map 2 in Exhibit C-2. Also See findings under Statewide Planning Goal 11, above.

- G.17 Manage or enhance waterways and open stormwater systems to reduce water quality impacts from runoff and to improve stormwater conveyance.**

In developing the code changes for the UGB expansion area included in this action, the City consulted with the Junction City Water Control District to specifically address adequate stormwater conveyance. Stormwater projects added to the PFSP are shown in Table 5 of Exhibit C-1, and on Map 3 of Exhibit C-2. The City's Goal 6 /WQ Water Quality overlay zone is proposed to be applied to resources in the proposed expansion areas that have been identified as contributing water quality benefits to the city's stormwater system.

- G.18 Include measures in local land development regulations that minimize the amount of impervious surface in new development in a manner that reduces stormwater pollution, reduces the negative affects from increases in runoff, and is compatible with Metro Plan policies.**

The City has adopted regulations addressing stormwater management and quality starting at EC 9.6790. These standards will apply to the land proposed to be added to Eugene’s UGB. In addition, portions of the expansion areas will be subject to the /WQ Water Quality overlay zone, which provides additional protections to resources identified as contributing water quality benefits.

**G.22 The cities shall initiate a process with school districts within the UGB for coordinating land use and school planning activities. The cities and school districts shall examine the following in their coordination efforts:**

- a. The need for new public school facilities and sufficient land to site them;
- b. How open enrollment policies affect school location;
- c. The impact of school building height and site size on the buildable land supply;
- d. The use of school facilities for non-school activities and appropriate reimbursement for this use;
- e. The impact of building and land use codes on the development and redevelopment of school facilities;
- f. Systems development charge adjustments related to neighborhood schools; and,
- g. The possibility of adjusting boundaries, when practical and when total enrollment will not be affected, where a single, otherwise internally cohesive area is divided into more than one school district.

The City coordinated with Eugene 4J, Bethel and Junction City School Districts to determine their needs for new school facilities as part of this action. See “School Expansion Study” at Appendix A to these findings. Only Bethel School District reported a need for land for a new school facility, which is further analyzed in the School Expansion Study.

**G.33 New schools within the Plan Boundary shall be built inside the UGB.**

The Bethel School District required new land for a school in the Clear Lake area. The addition of land to Eugene’s UGB for this purpose is consistent with policy G.33.

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

The actions taken by this ordinance include the initial adoption of Eugene’s first city-specific local comprehensive plan: the Envision Eugene Comprehensive Plan. Future Metro Plan amendments must be consistent with this new plan, under this code section (EC 9.7735(3)).

**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 under Statewide Planning Goals, above.

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

See findings addressing applicable provisions of the Metro Plan under EC 9.7735(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 to not include the creation of a special area zone.

**[Although not clearly applicable to the Public Facilities and Services Plan amendments made by section 4, Exhibits C-1 and Exhibit C-2 of the Employment, Park and School Ordinance, findings addressing EC 9.8424 are provided here.]**

**EC 9.8424 Refinement Plan Amendment Approval Criteria.** 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.**

See Statewide Planning Goal findings, above.

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

See findings under EC 9.7735(2), above.

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

The amendments made to the Public Facilities and Services Plan add new projects for consistency with that Plan's purpose – to provide for a full range of key urban facilities and services, including stormwater and wastewater conveyance and drinking water. See findings under Goal 11 and findings addressing Metro Plan Policies, above.

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

The amendments to the Public Facilities and Services Plan address new inventory material which relates to Statewide Planning Goals 9, 11 and 14.

**EC 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.**

The actions taken by this ordinance include Metro Plan designation changes for each tax lot is being rezoned. The AG zone and specific overlay zone(s) being applied to each lot in a UGB expansion areas is consistent with the new Metro Plan designation being applied. The purpose of the AG zone as set out in EC 9.200 is “to allow agricultural uses within the urban growth boundary until land is converted to urban development.” See Exhibit A-3 of the Ordinance for a list of each tax lot with its new Metro Plan designation and zone, for demonstration of consistency. Consistency with the Metro Plan text is addressed under EC 9.7735(2), above.

- (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 rezoning actions taken in this ordinance apply only to land that, before this action, was located outside the Eugene UGB. There are no existing refinement plans that apply to that land.

- (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.**

Consistency with this criterion is addressed through updates to the Public Facilities Plan. See findings under Statewide Planning Goal 11, above.

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

- (s)      EC 9.4776 /WQ Water Quality Overlay Zone Siting Requirements:**

- (1) The subject lot includes:**

- (a) A waterway identified pursuant to section 303(d) of the federal Clean Water Act, a waterway that is a tributary to a 303(d) waterway, or that is a headwater stream;  
or**

- (b) A portion of the /WQ Management Area, as described in EC 9.4778(1), for a waterway described in (a); and**

- (2) The subject segment of waterway (it may be natural or constructed):**

- (a) Is not already protected by the NR zone or the /WR, /WP or /WB overlay zones;**

- (b) Has a discernable streambed and side banks;**

- (c) Carries water at least part of the year;**

- (d) Provides a drainage function for surface runoff from land areas beyond a roadway;  
and**

- (e) If a ponded area, has an inlet and outlet drainage function.**

**Clear Lake Expansion Area**

The /WQ overlay is applied to two waterways, one in the northern portion of the area that drains into the A2 Channel and the A2 Channel in the southern part of the area, and to the ponds that the southern portion of the A2 Channel drains into and out of. The waterways drain to a 303(d) listed waterway (Amazon Creek) and the portions of the A2 Channel that are adjacent to this expansions area and inside the current urban growth boundary are already identified and protected on the City's previously adopted Goal 6 inventory as a /WQ waterway with /WQ overlay zone.

Consistent with (4)(s)(1), (a) these two waterways are tributaries to a 303(d) listed waterway, and (b) the water quality management areas are as shown on the proposed amendment to the adopted *Water Quality Waterway Map*.

Consistent with (4)(s)(2), (a) these two waterways and ponds are not already protected by the zones or overlay zones listed, and (b)-(d) these two waterways and ponds include these features and (e) the ponds include an inlet and outlet drainage function for the A2 Channel.<sup>19</sup>

### **Santa Clara Expansion Area**

The /WQ overlay zone is applied to one waterway, along the eastern portion of the site, which drains into the Willamette River. Consistent with (4)(s)(1), (a) this waterway is a tributary to a 303(d) listed waterway, the Willamette River, and (b) the water quality management areas are as shown on the proposed amendment to the adopted *Water Quality Waterway Map*.

Consistent with (4)(s)(2), (a) the waterway is not already protected by the zones or overlay zones listed, and (b)-(d) the waterway includes these features and (e) is not applicable because there is not a ponded area.

**(t) EC 9.4915 /WR Water Resources Conservation Overlay Zone Siting Requirements.**

- (1) Is not already designated for protection or restoration by the West Eugene Wetlands Plan;**
- (2) Meets the other approval criteria of EC 9.8865; and**
- (3) Includes a Goal 5 Water Resource Site identified for conservation in the Goal 5 Water Resources Conservation Plan or includes land within the /WR Water Resources Conservation Area as described in EC 9.4920.**

### **Santa Clara Expansion Area**<sup>20</sup>

The /WR overlay is applied to one waterway, along the western portion of the site. The portion of this waterway that is adjacent the expansion area and inside the current urban growth boundary, is already identified and protected on the City's previously adopted Goal 5 inventory work as a significant Goal 5 riparian resource with the /WR overlay zone (identified as riparian site E56).

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<sup>19</sup> For more information, see the Clear Lake UGB Expansion Area Stormwater Capacity Assessment, dated May 2015, in the Evidentiary/Technical support portion of the public record.

<sup>20</sup> The /WR overlay is not proposed for any of the Clear Lake Expansion area as detailed in the associated ESEE analysis.

Consistent with (4)(t): (1) the resource is not already designated for protection or restoration by the West Eugene Wetlands Plan and (2) is consistent with EC 9.8865 as there are no other criteria directly applicable to adding the /WR overlay zone. Regarding (3), because the portions of the riparian resources located inside the current urban growth boundary are identified as significant and protected accordingly, it follows that the portions of these resources that fall within the expansion area should receive the same identification of significance and the same level of protection. Pacific Habitat Services, Inc. has indicated that based on the rationale used in the previous Goal 5 inventory work, extension of the same level of protection to these resources would be appropriate.<sup>21</sup> This is portion of the protected Goal 5 Water Resource Site E56 that is outside of the current urban growth boundary will be included on the City's Goal 5 inventory with the proposed amendments to the *Goal 5 Water Resources Conservation Plan, section III Significant Goal 5 Riparian Corridors and Wildlife Habitat Sites within the Eugene Urban Growth Boundary* (Tiles 1 and 4) and to the *Goal 5 Water Resources Conservation Plan, section IV, Map 16 Eugene Goal 5 ESEE Conclusions*.

### **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.

## **Appendices to Legal Findings**

- A. UGB Expansion Analysis for School Land Needs
- B. UGB Expansion Analysis for Industrial Land Needs
- C. UGB Expansion Analysis for Park Land Needs
- D. Addendum to UGB Expansion Analysis for Industrial Land Needs
- E. Summary of Methodology Used to Refine the Location of the Eugene Urban Growth Boundary
- F. Materials Supporting Goal 5 Findings

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<sup>21</sup> For more information, see the memo from Alissa Hansen, Riparian Corridors in the Santa Clara UGB Expansion Area, dated November 28, 2016 with attachments, in the Evidentiary/Technical support portion of the public record.