WEST EUGENE WETLANDS PLAN

City of Eugene and Lane County

Eugene, Oregon • May 2004

Acknowledgments

This plan was originally developed by an intergovernmental staff team with project management from the Lane Council of Governments. The team included representatives from various City of Eugene departments and divisions including: Planning and Development, Public Works, Finance, Parks, Business Assistance, and Intergovernmental Relations.

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The West Eugene Wetlands Partnership

The west Eugene wetlands are managed through a formal partnership among the City of Eugene, The Nature Conservancy, the U.S. Bureau of Land Management, the U.S. Army Corps of Engineers, and the Oregon Youth Conservation Corps. The partnership may change over time. The goal of the partnership is to manage the wetland system in a cooperative manner. The partners dedicate resources within their respective budgets to carry out this plan with attention to their own missions and legal requirements.

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CHAPTER KEY

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2. Introduction

3. Resource Protection

4. Development and Mitigation

5. Operating, Maintaining and Monitoring

6. Financing

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Preface

When significant wetlands were identified in Eugene's primary industrial development area, wetlands were defined as a problem. Now, several years later, the West Eugene Wetlands Plan (WEWP) provides a clearer focus on the issues raised by the wetlands discovered in west Eugene and sets forth a vision that can achieve a balance of development needs and environmental values.

Between then and now, the Plan area has been the subject of a great deal of scrutiny and study. Inventories of habitat value, wetland boundaries and wetlands functions and values have been conducted. This information has been shared with the community, including property owners, environmental groups, and other interested citizens through newsletters, workshops, field trips, and in other forums.

We now know that there are wetlands of greater and lesser value. Many are full-functioning wetlands that have the proper mix of water, soils and wetlands plants. Some wetlands in west Eugene contain remnants of prairie grassland communities which once dominated the southern Willamette Valley. On these wetland sites, rare plants and insects have been discovered. Other wetlands in west Eugene contribute to flood control and help purify storm water.

We also know that less than a quarter of the total acreage of wetlands are of lower value and can be designated for development. Because loss of even these lower valued wetlands must be compensated for, the proposal for creation of a system of restored and enhanced wetlands ("mitigation bank") has been developed as part of this plan.

At the same time, it is evident that west Eugene is uniquely suited to provide a connected system of protected and restored wetlands along the major waterways that run through the area. With the wetland system contemplated in this plan, the west Eugene wetlands can protect rare plants, provide an open space greenway along the area's major streams, provide for water quality improvements that meet increased federal requirements, and at the same time help protect people and property from flooding.

This unique opportunity may not only be of value for the west Eugene area, but may serve as a focal point for wetland restoration and replacement for development in other parts of the Eugene urban area. With the adoption and implementation of the plan, community resources can be marshaled to assist in development of the lower-value wetlands and a combination of federal, state and local resources can be used to protect, restore and enhance the remaining wetlands. In the resulting Plan, federal and state requirements can be addressed at the local level, resulting in reduced time in the permitting process.

The community has a significant opportunity in the west Eugene area to create development that recognizes and is sensitive to the adjacent natural resources, while at the same time protecting that resource and enhancing its ability to meet a range of community objectives. Many of the public facility costs needed in the area over the coming decades can be used for multiple purposes, creating wetlands that filter pollution from storm run-off and replacing investments in more traditional forms of storm drainage facilities.

Photo: Oregon ash tree in the Willow Creek Natural Area. (photo by N. Björklund)

It is this multiple objective approach that is reflected in this comprehensive Plan. It is not simply a Plan to protect wetlands or to free wetlands up for development, it is a Plan that balances environmental concerns with development needs. It is a Plan that proposes to meld our public facility needs with the environment to create a better open space system in west Eugene. It is a Plan that suggests a variety of techniques for spreading the costs of the recommendations out among several funding sources over a period of time to make the system affordable to this community.

In 1989, the WEWP planning process began with a series of citizen workshops. The process was designed to include broad participation by property owners, the development community, environmental groups, state and federal agency representatives, and other interested citizens. During 1989, more detailed inventory work was conducted. This Plan is a result of scientific study and local community involvement; it is a Plan that strives to integrate environmental protection with economic development within the framework of state and federal wetland programs.

The Plan's first two chapters present Plan Objectives and Highlights and a general introduction. The next five chapters address: Resource Protection; Development and Mitigation; Operating, Maintaining, and Monitoring; Financing; and Future Studies. A companion document to this Plan is the more detailed Technical Report. By putting the detailed background material in the Technical Report, the Plan remains smaller, provides clearer direction guiding future actions, and allows for broader public distribution. The Plan focuses attention on the individual wetland sites, goals, policies, and recommended actions. The Plan also contains a list of future public improvement projects that directly and indirectly affect the study area. The terms "goals, policies, and recommended actions" are defined below.

Goals are broad statements of philosophy and are adopted by the City Council and Lane County Board of Commissioners. They may never be completely attainable, but they describe the hopes of the people and help establish direction.

Policies provide the basis for consistent action to move the community toward its goals. Policies are adopted by the City Council and the Lane County Board of Commissioners. These policies are used to evaluate actions relative to the Plan.

Recommended Actions are ideas on how to implement the policies, but are not adopted by the City Council or the Board of County Commissioners. They suggest ways the policies may be carried out and are reviewed, studied, and revised over time. They may or may not be implemented in the form in which they appear. Recommended actions are evaluated in light of their ability to address the Plan's goal and policy direction while considering community aspirations, financial options, and legal requirements.

In 1992, the Eugene City Council and Lane County Board of Commissioners adopted the West Eugene Wetlands Plan, a refinement to the Eugene-Springfield Metropolitan Area General Plan. Below are listed the specific ordinance numbers and the date of adoption by each jurisdiction.

- Eugene City Council adopted amendments to the Draft Plan, May 20, 1992, Ordinance No. 19853.
- Lane County Board of Commissioners adopted amendments and added additional amendments, July 22, 1992, Ordinance No. PA 1019.
- Eugene City Council adopted new amendments, August 10, 1992, Ordinance No. 19867.
- Lane County Board of Commissioners amended Ordinance No. PA 1019 to add changes inadvertently omitted from that ordinance, August 26, 1992, Ordinance No. PA 1019-A.

The West Eugene Wetlands Plan was revised through a coordinated set of amendments initiated by the City of Eugene. The amendments were accomplished via a series of ordinances adopted by the Eugene City Council and the Lane County Board of Commissioners from 1993-2000. The ordinance numbers and adoption dates for each are listed below.

- Eugene City Council Ordinance No. 20002 adopted on March 6, 1995, and Lane County Board Ordinance No. PA 1075 adopted on May 30, 1995. These amendments revised the designations on three small wetland sites, deleted three outdated policies, and made minor corrections to the text of the Plan.
- Eugene City Council Ordinance No. 20119 adopted on May 20, 1998 and Lane County Board Ordinance No. PA 1117 adopted on June 24,

1998. These amendments added new policies to address planned transportation improvements and existing utilities in protected wetland areas.

- Eugene City Council Ordinance No. 20126 adopted on July 8, 1998 and No. 20171 adopted October 11, 1999; and Lane County Board Ordinance No. PA 1106 adopted on November 10, 1998 and No. PA 1133 adopted November 23, 1999. These amendments made significant revisions and updates to Plan policy and text to reflect new information.
- Eugene City Council Ordinance No. 20147, Ordinance No. PA 1129, adopted on April 21, 1999. These amendments applied the new Planned Transportation Corridor wetland designation to two small wetlands on City owned land.
- Eugene City Council Ordinance No. 20200, adopted on July 26, 2000 and Lane County Board Ordinance No. PA 1107, adopted on August 30, 2000. These amendments applied wetland designations to wetlands mapped after the adoption of the original plan, and revised wetland designations on a number of existing wetland sites.
- Eugene City Council Ordinance No. 20201, adopted on August 7, 2000, and Lane County Board Ordinance No. PA 1109, adopted on September 13, 2000. These amendments designated wetlands on Site HG (the Hyundai site), which were mapped after the adoption of the original Plan.
- Eugene City Council Ordinance No. 20208, adopted on September 11, 2000, and Lane County Board Ordinance No. PA 1108, adopted on November 1, 2000. These amendments revised wetland designations for existing wetlands and designated newly mapped wetlands on Site H2 (the Eugene Speedway site).

1. Objectives and Highlights

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Plan Objectives

There were four major objectives of the West Eugene Wetlands Special Area Study:

1. To use the best information to help the community understand the choices available;
2. To find a balance between environmental protection and sound urban development which meets state and federal laws and regulations;
3. To provide opportunities for involvement of all interested segments of the community in Plan development; and
4. To turn a perceived "wetlands problem" into a "wetlands opportunity" for the community.

Plan Highlights

As suggested in the Preface and the above objectives, this Plan addresses wetlands and economic development as critical parts of a healthy, livable community. While the plan contains more detailed goals, policies, and recommended actions, the thrust of the Plan can be understood by reviewing the following highlights, the Wetland Designations Map (Map 3) and the Wetlands Conceptual Plan Map (Map 4).

Protection and Restoration of a Wetland and Waterway System

To implement existing federal and state wetland law and policy, the Plan designates the most valuable remaining wetlands for protection. Sites with large populations of rare plants are designated for protection. Almost all of the sites with remnants of the wet prairie grasslands with other important natural values are designated for protection within the west Eugene wetlands study area. Existing wetlands will be enhanced and areas restored where wetlands once existed. These areas and additional areas along stream courses will be used to form a connected wetland system creating greenways along Amazon Creek, Willow Creek, the A Channel (old Amazon Creek), and the A-3 Channel. This system will provide open space and scenic values in the west Eugene region. Buffering techniques will be used to protect wetlands from the effects of adjacent land uses.

Protection of Natural Diversity

By protecting a variety of wetlands, establishing protective buffers, creating and enhancing a variety of wetland types, managing them as a connected system, and linking them together, the community can enhance the natural diversity of west Eugene, an area which was neglected too often in the past. In the future, it will be rich in natural and cultural diversity.

Development Opportunities and Certainty

After many years of planning for urban uses and investing millions of dollars in public infrastructure facilities, the discovery of wetlands in west Eugene placed a cloud of uncertainty over future development opportunities. The Plan responds to this dilemma with recommendations that attempt to balance environmental and economic development values within the framework of federal and state wetland law. The Plan removes the cloud of uncertainty by recommending development on some wetlands while protecting others (see Map 3, Wetland Designations). Wetlands that are designated for development are frequently small, isolated and difficult to protect from already planned or developed urban uses. The Plan also recommends that the City seek a regional permit from the Army Corps of Engineers so that the administration of the permitting and mitigation process can occur at the local level, thus saving valuable time and resources.

Public comment during the preparation of the Plan and examples of new development adjacent to wetlands in other communities, tells us that citizens value living, working and shopping in areas that demonstrate attention to the surrounding landscape. Using this Plan, the community can focus its attention on designing future development in ways

Photo: Students at Amazon Creek, West Eugene.

that complement wetland areas, resulting in added value for both the development and the environment.

Wetland Protection Measures

The Plan calls for implementation of a number of wetland protection measures. The primary long term protection strategy is public or private nonprofit acquisition, coupled with a natural resource designation on the Metropolitan Plan and a natural resource zoning district that would prohibit development. Prior to acquisition, the existing federal and state wetland regulatory processes in conjunction with the policies in this plan will be the primary means for ensuring wetland protection. In addition to their existing review process, federal and state regulatory agencies will utilize this Plan's recommendations as guidelines when considering individual permit applications. The plan is aimed towards transferring, in part or in whole, the administration of state and federal wetland fill permitting processes to the City of Eugene, concurrent with or subsequent to, City adoption of other protection measures specified in this Plan. At that time, the City will have adopted other protection measures such as overlay zones, buffering requirements, and conservation easements.

A priority for implementing this Plan was the preparation and adoption of a waterside protection and development ordinance. This ordinance protects water quality and wildlife habitat of identified natural resource areas, allowing and encouraging development that is designed to enhance environmental values (see Appendix A, City of Eugene Implementing Ordinances).

Mitigation

Mitigation is the process used by federal and state agencies for determining whether wetlands may be developed (impacted) and, if so, under what conditions. The decision-making process is hierarchical where each level of criteria must be satisfied prior to proceeding to the next. The process is structured so that priority consideration is given to *avoiding* wetland impact. If it can be shown there is an unavoidable need to impact wetlands, the process then attempts to minimize the extent of the impact and sets out requirements to *compensate* for wetland losses in the form of enhancement, *restoration* or *creation* of wetland resources.

This Plan has conducted the mitigation analysis for the entire study area and concludes that the most effective way to achieve no net loss of wetland resources is to avoid impact. As a result, the majority of the wetland acres will be protected from impact through acquisition, comprehensive plan designations, zoning techniques and buffering requirements.

For the wetlands designated for development, the Plan requires compensation to occur at a minimum ratio of one acre of replacement for each acre of impact. Compensation is targeted for areas where the prospects for success are the highest, most beneficial to the ecological landscape and require little, if any, on-going maintenance. These areas are located on historic wetlands, disturbed agricultural wetlands and in areas adjacent to existing waterways. Enhancement and restoration, therefore, will be the primary methods for compensating for wetland losses. Mitigation efforts will concentrate on reestablishing historic wetland types and habitats that naturally occur in the area, while also creating opportunities for other wetland types such as marshes and ponds.

The Plan approaches mitigation in a comprehensive manner where resulting efforts not only satisfy federal and state wetland law but achieve other community needs and objectives such as providing additional flood control storage, water quality enhancement features, improved wildlife habitat and educational and recreational needs.

Mitigation and the Regional Mitigation Bank Concept

The Plan utilizes the wetland mitigation bank concept as the primary means for implementing the mitigation program. With this approach, mitigation efforts are planned as a whole where the most suitable sites are identified, acquired and restored in advance of wetland impact. This concept not only benefits the natural resource system by planning for the restoration of the Amazon Creek basin, but it also benefits the users of the bank - the development community. The bank system performs the mitigation requirements for individual users where the details of compensation are preplanned, constructed and maintained by a public or private nonprofit agency. To satisfy individual impact requirements, users simply have to buy mitigation credits from the bank, thus eliminating uncertainty and saving valuable time and resources. Because the bank is planned and developed as a whole, the details of mitigation can be incorporated into the existing environment, resulting in a more logical and natural system. The bank is designed to have sufficient capacity to serve the mitigation needs of the West Eugene Wetlands Plan Area and the community as a whole.

Stormwater Management

In 1993, the City of Eugene adopted the Comprehensive Stormwater Management Plan (CSWMP) that addresses the issues of flood control, water quality and natural resource management. This program includes management of the west Eugene wetlands system and focuses on the interrelationships among these components of Eugene's waterways and associated wetlands. The City of Eugene Public Works Department will use fewer piped storm sewers and will manage the open channels in ways to better balance stormwater and flood needs with environmental and wildlife habitat needs. The efforts will help reduce pollution and will make the waterways more pleasant urban open spaces.

Water Quality Improvements

Constructed wetlands and wetland improvements will be

used as biological filters to remove sediments, certain nutrients, and other water pollutants from the drainageways in west Eugene. In some instances, wetlands will be enhanced by providing more water to sites. The result will be cleaner surface waters, improved aquatic habitats, and a more pleasant water-oriented experience for those who live, work and visit west Eugene. While these wetlands may have multiple values, they will be managed for their primary use - stormwater treatment. The Comprehensive Stormwater Management Plan adopted in 1993 includes policies and best management practices to gain stormwater treatment benefits from the wetlands in west Eugene.

Improved Flood Control

By widening channels, protecting existing wetlands and creating new wetlands, additional flood storage capacity can be added in west Eugene. The widened channel bottoms will allow the low flow channels to meander among wetlands and for the reestablishment of stream bank habitat. This will reduce downstream impacts of storm runoff originating in the urban area. These flood storage improvements can often provide multiple benefits, such as wildlife habitat and recreation. Widening projects will be designed to protect and enhance adjacent wetlands. An example of this type of project is the Amazon Channel Enhancement (ACE) Project, which was completed in 1997. This project widened the channel of Amazon Creek within a 2.5 mile reach, and built a new bicycle and pedestrian path alongside the expanded channel. This project was paid for primarily by federal ISTEA (Intermodal Surface Transportation Efficiency Act) funds.

Improved Plant and Animal Habitats

Within the managed wetland system, large populations of rare plants will be protected. Experimentation on ways to increase populations of rare plants will occur through scientific research and demonstration projects. Also, the unique Willamette Valley prairie grassland plant community will be protected through creation of a wetland prairie reserve. By protecting and restoring a variety of wetland types, and by buffering natural areas from the impacts of nearby development, a diversity of habitats will be created; that diversity will benefit wildlife. The greenway corridor concept also benefits wildlife. Expanding existing natural systems and restoring habitat in areas that have been damaged by human activities insures better survival of wildlife and wildlife viewing opportunities. The greenway corridor concept also achieves this purpose.

Recreation, Education, and Research

Planned trails, bikeways, wildlife observation points and cleaner water within a diverse system of wetland types will provide numerous opportunities for public enjoyment of west Eugene environments. The wetland environment in west Eugene will become a favorite place to recreate and learn particularly when utilized by elementary, secondary and higher learning institutions in the community. Located near the University of Oregon, Oregon State University, Lane Community College, and other federal research laboratories, west Eugene will be the subject of further study over the coming decades. The possibility of a nature center devoted to west Eugene natural areas, including wetlands and the native American and early white settlement of the southern Willamette Valley, is currently being explored. Such a center will be designed to serve educational, recreational, and research needs.

Corridors and Connections

By creating greenways and trails along existing waterways, a connected system can be established via Amazon Creek from Spencer Butte to the edge of the west Eugene wetlands study area boundary. Via Willow Creek and the Amazon Park system, Amazon Creek can also be connected to the South Hills ridge line system. The Amazon waterway systems, like the Willamette and McKenzie Rivers, can become important natural corridors linking the community together.

Managing the System

The City of Eugene Public Works Department will assume the overall responsibility for managing and monitoring the west Eugene wetlands system with assistance from other departments. The role of the Public Works Department will expand to include natural resource management, stormwater quality and wetlands. Through staffing or contractual arrangements, the City will gain the expertise needed to manage the wetlands system. There are opportunities to work with environmental and community organizations, nonprofit environmental groups, and the private sector in order to protect and enhance west Eugene's natural environment. School children and other interested citizens can enjoy studying the environment while having a helping hand in improving it.

Financing Protection, Restoration, and Management

The City will continue to seek state and federal funds to acquire wetlands for protection, land for restoration and mitigation, and to pay for demonstration construction projects. Local funding sources will be focused on the construction of public improvements and the on-going operations, maintenance and monitoring of the system. Private funds will assist with acquisition and construction through the revolving funds of the mitigation bank program. Formation of a local land trust is another possible way to use private funds to assist the wetlands program. The funding solutions for west Eugene are likely to be diverse, and it is anticipated that acquisition and construction will take at least ten years or longer to complete. The acquisition and construction program is accompanied by priorities in map and list form (see Chapter 6, Maps 5 & 6) which will help in phasing Plan implementation over time as funding allows. A steady, local revenue source is recommended for the on-going management program. The wetlands management program will continue to be coordinated with the appropriate state, federal, and local agencies.

2. Introduction

2. Introduction

By presenting a vision for west Eugene, this Plan provides a framework for balancing natural resource protection and urban development. By protecting and restoring the natural environment and by planning development more carefully, the implementation of this Plan can provide a model for better integrating our natural and urban worlds. As the Plan is implemented, west Eugene will be a nicer place to live, work, visit, recreate, and travel through. Specially created wetlands can serve public works functions like flood control and water purification. Animals and rare and unusual plants can survive in and benefit from improved habitats. People will enjoy walking, canoeing, bicycling, and fishing along the Amazon Creek in the future. The community could take pride in a waterway and wetland system that links the community and future generations with our natural and cultural past. This Plan continues a long tradition of Eugene planning to integrate our natural environment with carefully planned growth, making Eugene one of the outstanding places in the United States to live and work – a truly livable city.

The Plan provides mechanisms for protecting wetlands and for allowing sound economic development. It provides a vision for the west Eugene area which creates a wetland reserve composed of protected and restored wetlands. These wetlands are organized as a connected system creating greenways along the Amazon Creek, Willow Creek, the A Channel (old Amazon Creek), and the A-3 Channel within the west Eugene wetlands study area. The Plan directs development away from sensitive areas. The Plan allows development where there have been past public and private investments in public improvements. The Plan directs development where environmental damage can be minimized and where development can benefit from proximity to wetlands (for example, recreation and aesthetics). The Plan recommends open spaces along the water corridors through a carefully crafted scheme allowing multiple uses as summarized in Chapter One, "Objectives and Highlights."

Area Covered

Eugene, Oregon is located in Lane County at the southerly end of the Willamette Valley (see Map 1). With a population of 122,000 (July 1995 estimate), Eugene is the second largest city in Oregon; Portland being the largest. The overall population of the Eugene-Springfield metropolitan area is approximately 200,000 persons.

The Plan generally covers the Amazon Creek drainage basin from its headwaters near Spencer Butte in southeast Eugene to the western edge of the West Eugene Wetlands Study Area (see Map 2). The West Eugene Wetlands Study Area, is approximately 8,000 acres in size and is generally bounded by Garfield Street to the east, Green Hill Road to the west, the South Hills Ridge line to the south and Royal Avenue to the north. All of the delineated wetlands affected by this Plan are within this area.

The maps and text of this Plan apply only to the West Eugene Wetlands Study Area, except as explained later in this paragraph. References in the goals, policies, and recommended actions which allude to the study area, Plan area, or Amazon Basin refer to this area and areas lying entirely within the Metropolitan Plan jurisdictional boundary, including the Upper Amazon Drainage Basin. The only portion of this Plan which applies to the area lying west of the Metropolitan Plan jurisdictional area labeled "Western Amazon Drainage Basin" on Map No. 2, is the section titled, "West Amazon Drainage Basin" found on page 22 in Chapter Four, "Development and Mitigation". It is within this area that additional mitigation efforts and related public improvement projects will occur.

Plan Documents

There have been a number of studies and documents produced during the West Eugene Wetlands Plan process. They are all listed in the reference section. Two key documents are:

1. This Plan, the West Eugene Wetlands Plan, which includes a brief narrative with goals, policies, implementation strategies, and maps that will guide the community toward achieving local objectives and

Photo: Bertelsen Slough and Stewart Pond, from above. (photo by S. Gordon)

meeting state and federal laws and regulations.

2. A Technical Report, which includes more detailed text and maps that summarize information about the study area, wetlands, alternatives analysis, environmental and economic impacts evaluation, federal and state wetland laws, and the citizen involvement process used in developing this Plan.

Other important documents developed during the planning and implementation phases of the project include the "Final Report for West Eugene Supplemental Inventory" (Revised January 1995), the "Revised Alternatives Analysis" (an update of Chapter 7 of the Technical Report) (October 1993), "Mitigation Options for Eight Sites in West Eugene" (February 1993), "Assessment of Proposed Mitigation Areas in West Eugene" (February 1993), the "1994 West Eugene Wetlands Annual Report" (February 1995), and the "Eastern Gateway Restoration Project Annual Report" (January 1995).

Relationship to Other Plans and Policies

The West Eugene Wetlands Plan is a refinement of the Eugene-Springfield Metropolitan Area General Plan (Metropolitan Plan), 1987, a guiding document for public decisions affecting the metropolitan region. Refinement plans are consistent with other City and metropolitan policy documents, such as the metropolitan regional transportation plan, TransPlan, 1989, and the Eugene Community Goals and Policies, 1984. Additionally, refinement plans must be consistent with the direction established in the Metropolitan Plan or initiate a process for its amendment. The West Eugene Wetlands Plan addresses the relationship with other refinement plans, such as the Willow Creek Special Area Study, 1982, and the Bethel-Danebo Refinement Plan, Phase II, 1982.

The Plan was developed in coordination with several key state and federal agencies involved in wetlands regulation and planning: Division of State Lands (DSL), Army Corps of Engineers (ACOE), Environmental Protection Agency (EPA), and the United States Fish and Wildlife Service (USFWS). The Plan was also coordinated with local offices of other applicable local, state and federal agencies. The Plan was developed to meet all applicable state and federal regulations and guidelines. The adopted Plan will be accepted by the DSL, ACOE, and EPA through formal agreement or their respective formal approval processes.

Plan Implementation

After careful review, the Eugene City Council and the Lane County Board of Commissioners will take action based on the West Eugene Wetlands Plan's goals, policies, maps and its priorities list of land acquisition and future public improvement projects. Some recommended actions must be adopted and made operational in order to establish state and federal permitting authority at the local level. The recommended actions will receive strong consideration over the life of the Plan by local governments, by federal and state agencies, and by private interests, including the environmental and development community.

The City is expected to use the Plan in the:

1. Administration of City programs and services affecting the west Eugene region.
2. Review of City regulations or ordinances identified in the Plan as needing amendments.
3. Review of other plans and policies that affect the west Eugene region.
4. Coordination with other governments and groups interested in the west Eugene region.
5. Development of lobbying priorities for changes in state and federal law or programs and in seeking funding support for Plan implementation.
6. Development of specific zoning districts, ordinances or other measures to comply with state and federal wetland conservation plan requirements.
7. Preparation of the City's Capital Improvement Program and annual City budget for operation and maintenance of the system of natural areas, parks, and public works.
8. Review of land use applications and building permits.

Lane County may use the Plan in the:

1. Administration of County programs and services impacting the west Eugene region.
2. Review of County regulations or ordinances identified in the Plan as needing amendments.
3. Development of lobbying positions for changes in state and federal law or programs and in seeking funding support for Plan implementation.
4. Preparation of the County's Capital Improvement Program and annual County budget for operation and maintenance of the system of natural areas, parks, and public works.
5. Response to development proposals consistent with this Plan.

State and Federal Agencies will use the Plan to:

1. Make determinations regarding review and approval of a federal general (regional) permit and a state wetland conservation plan.
2. Make funding decisions and establish funding priorities.
3. Make decisions about further wetlands, water quality, and environmental research.
4. Guide other activities and projects consistent with and complementary to the mutually developed and agreed upon Plan.

Others interested in the Plan or operating in the west Eugene region are expected to use the Plan in the:

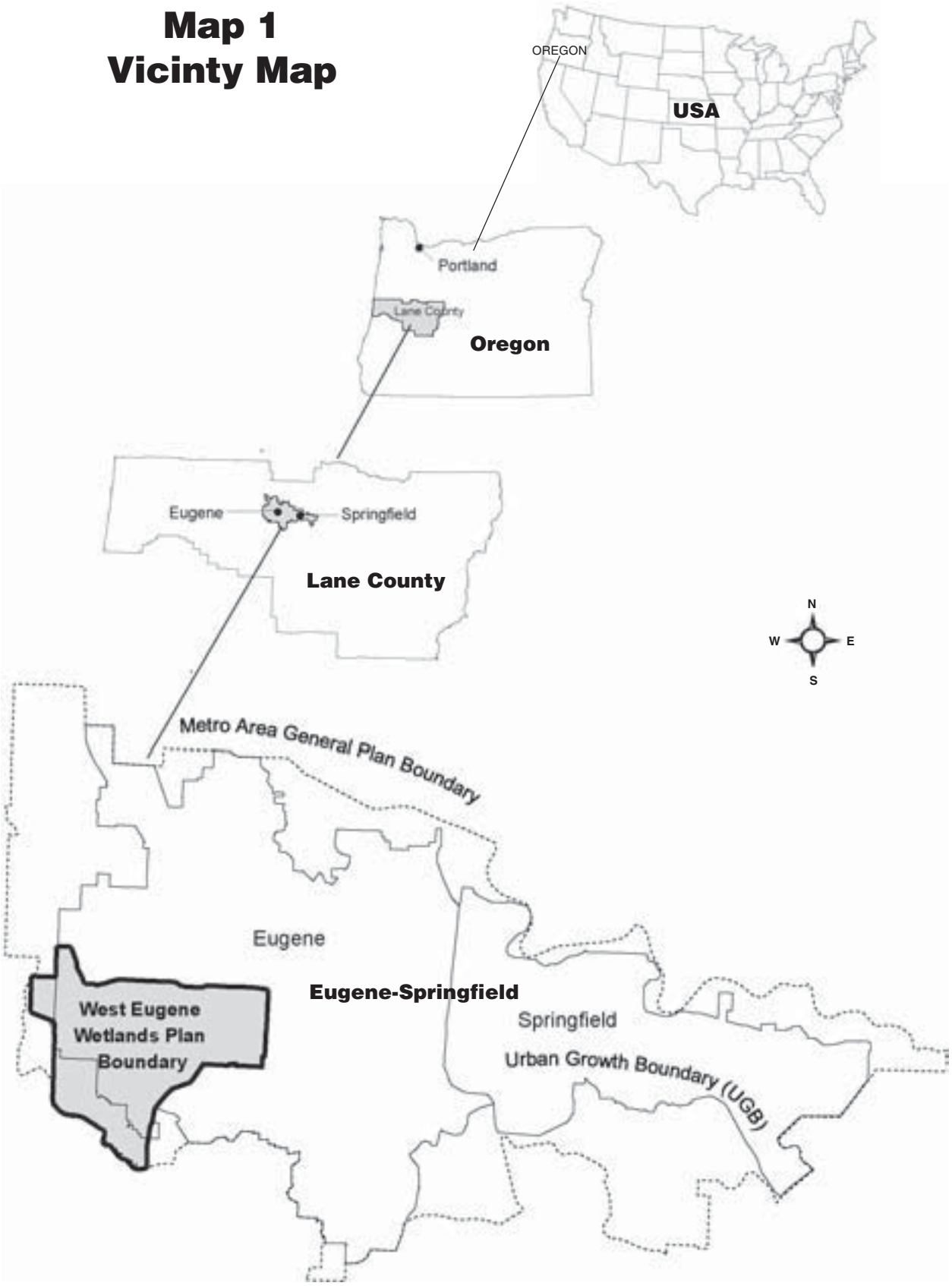
1. Understanding of the community's vision and hopes for west Eugene.

2. Design of projects so that they are consistent with the plan and complement the existing or planned protection, restoration, and development scheme.
3. Initiation of projects and activities that affect the west Eugene natural and developed systems, including public improvements.

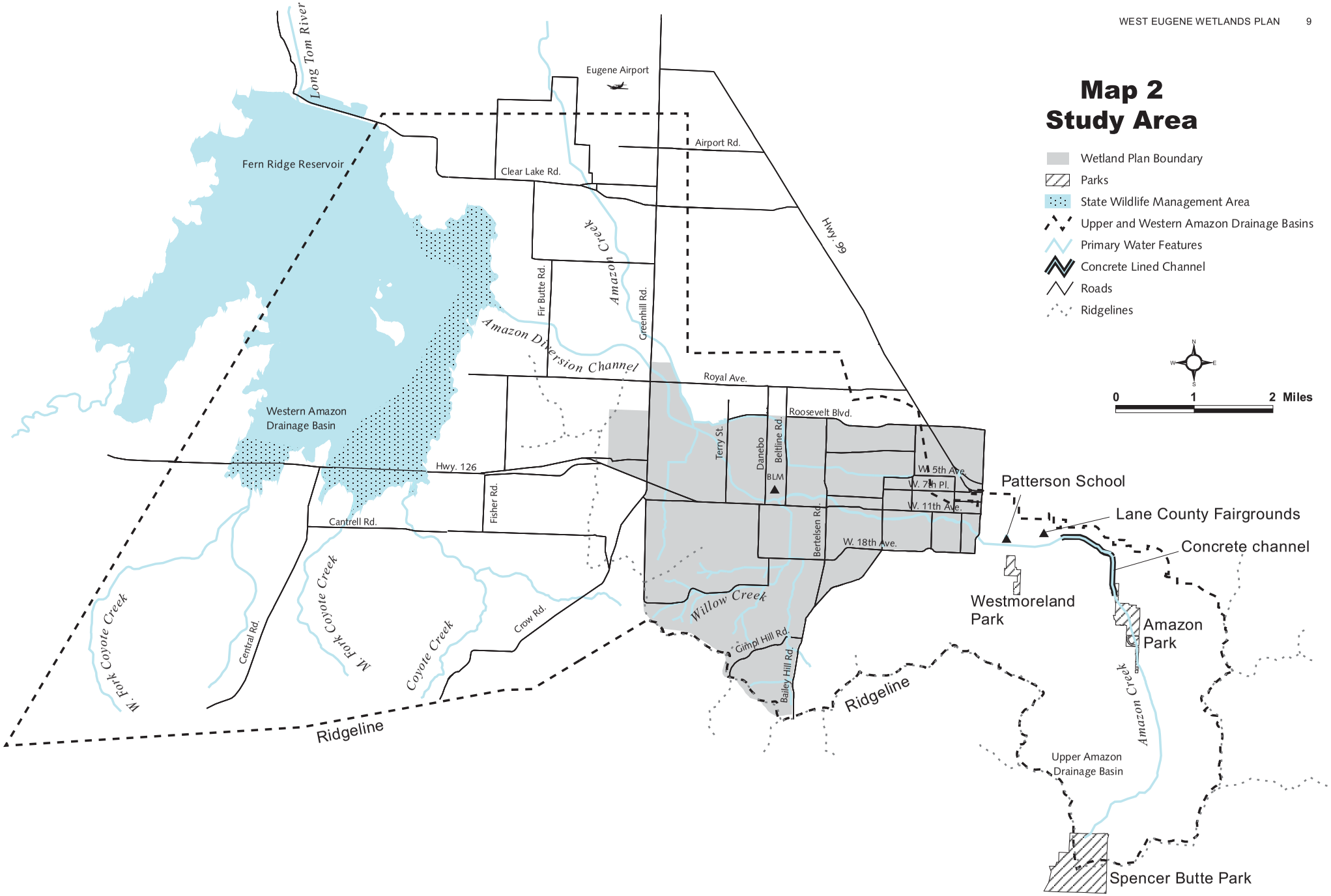
Amendment Process

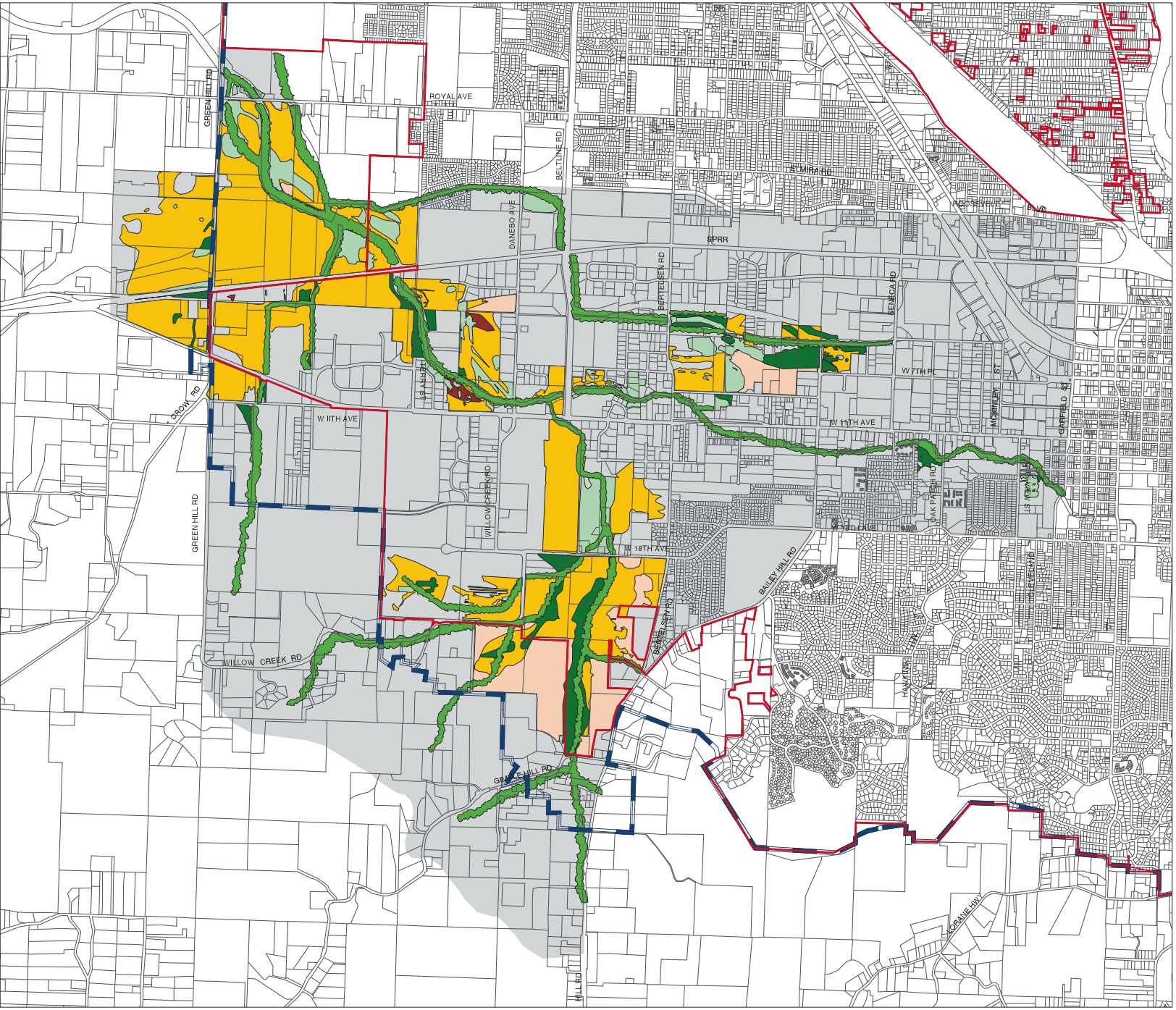
The West Eugene Wetlands Plan can be amended in the same manner as any other refinement plan or special area study as provided for in the amendment procedures of the Eugene Code (see Appendix D). As with other refinement plan amendments, any amendment to WEWP must be consistent with the Metropolitan Area General Plan. If there are inconsistencies, an amendment to the Metropolitan Plan is required before any such WEWP amendment could be effective. Due to the regional permitting process and the on-going relationship with state and federal regulatory agencies, they will be notified of any proposed amendments and asked to comment prior to planning commission or council action, or action by Lane County.

Map 1
Vicinty Map



Map 2
Study Area





Map 4
Conceptual Plan

Note: This map reflects a vision for future efforts to improve the quality of the Amazon Creek Basin by protecting, restoring, enhancing and creating wetland resources.

- Wet Prairie Wetland
- Open Water or Emergent Wetland
- Forested Wetland
- Scrub/Shrub Wetland
- Riparian Habitat
- Upland Habitat
- WEW Plan Area
- City Limits
- Urban Growth Boundary

This map is for information only, and is not adopted policy.

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3. Resource Protection

3. Resource Protection

Introduction

This section discusses and presents goals, policies and recommended actions for protecting and providing protective buffers for wetland sites in the study area.

As a result of field work conducted primarily in 1988-89 and 1993, approximately 1,500 acres of jurisdictional wetlands were identified within the study area. Through a process which involved a series of public workshops, a technical advisory committee of state and federal agency representatives, and staff evaluation of alternatives, the Wetland Designations Map (Map 3) was developed which calls for protecting the majority of wetlands, and allowing development to occur on the remaining lower quality wetlands. The Wetland Designations Map (Map 3) depicts wetlands that are designated for development, protection, and mitigation.

Wetlands are designated for protection due to their high natural resource value (colored green on Map 3) or due to their value as enhancement sites for mitigation credit (colored yellow on Map 3). See Chapter 4 of this Plan for a detailed discussion of mitigation policies.

Policy 3.17 contains the criteria used to identify sites suitable for and deserving of protection. The development of these criteria included consideration of state and federal wetland laws and policies, citizen input received through workshops and questionnaires, comments from wetland regulatory agency staff, and the results of the field work conducted by Esther Lev in 1988 and by Scientific Resources Inc. (SRI), in 1989. Not all of the criteria in the list referred to above had to be met in order to assign a protection designation.

The primary thrust of these designations is to seek acquisition of the wetlands identified for protection including those designated for restoration. Following acquisition, land use controls will be applied to restrict uses and protect those sites in perpetuity. Protection measures developed as part of the concurrent Eugene-Springfield Metropolitan Area Natural Resources Special Study were recommended as long-term protection measures. These protection measures are included in Appendix A of this Plan.

Prior to acquisition of protected wetland sites, potential development on those sites would be subject to Planned Unit Development, Site Review procedures or other land use regulations, as well as state and federal wetland permit processes.

The Conceptual Plan (Map 4) reflects the ultimate wetland system when fully protected and restored. It is conceptual in nature and will be refined over time as more information is gathered about restoration sites, public facility design (see Chapter 6, Financing), and habitat suitability.

Goals, Policies, Recommended Actions

The following section contains goals, policies, and recommended actions for those goals and policies for the study area. These apply to the wetlands specified for protection on the Wetland Designations Map (Map 3).

Goals

3.1 Protect and enhance water quality, wildlife habitat, flood storage, sediment and toxicant removal and other wetland functions and values.

3.2 Minimize economic hardship on private property owners due to protection of wetlands and other valuable environmental resources.

3.3 Minimize adverse impacts to protected wetlands from adjacent development.

3.4 Protect high quality examples of each important type of wetland plant community currently existing in west Eugene: native Willamette prairie grassland, ash forest, cattail marsh, shrub/scrub, and open water.

3.5 Protect and expand current populations and habitats of rare plants and animals that currently exist in west Eugene.

3.6 Achieve state and federal requirement of "no net loss" of wetlands in both quantity (area) and quality (functions and values).

3.7 Protect an interconnected system of wetlands within a sustainable, ecologically sound system, with a high likelihood of long-term survival.

3.8 Allow for multiple uses of protected wetlands, while ensuring that functions and values are maintained or enhanced.

Photo: Willamette Daisy, Erigeron decumbens var. decumbens. (photo by E. Alverson)

Policies

3.1 Seek acquisition of protected wetland sites by federal, state, and local public agencies and private, nonprofit conservation organizations.

3.2 Apply interim protection measures to wetland sites identified for protection through existing local land use controls, until sites are purchased for conservation and protection.

3.3 Develop and adopt ordinances to protect wetlands and waterways.

3.4 Amend existing policies that conflict with protection of regulated wetland functions and values to make them consistent with WEWP goals and policies.

3.5 Along with Lane County and the State of Oregon, protect wetlands on public lands in the west Eugene wetlands study area and restore wetlands on public lands consistent with Wetland Designations Map (Map 3).

3.6 Coordinate development and adoption of protective ordinances with Lane County for sites outside the city limits and within the Urban Growth Boundary.

3.7 Ensure that any private or public party can continue to seek individual state or federal wetland permits for any proposed development.

3.8 Establish, maintain and protect physical and hydrologic linkages between protected wetlands and adjacent transitional and upland wildlife habitat and natural areas.

3.9 Protect and enhance the quality, functions, and values of natural and human-made waterways that are interconnected with wetlands.

3.10 Include provisions for protection of rare plants in ordinances developed and applied to wetlands identified for protection on Map 3.

3.11 Restrict public access in natural research areas, rare plant sites and specified wildlife nesting and resting areas.

3.12 Protect and create buffer areas between regulated wetland boundaries and adjacent uses or developments.

3.13 Promote multiple uses of protected wetlands to meet community, environmental and human needs: (a) provide public access for all people where other wetland functions and values are not compromised; (b) coordinate wetland protection, enhancement and restoration with regional water quality improvement needs; and (c) utilize current and restored wetlands for flood storage and control.

3.14 Implement wetland protection policies that prohibit development on wetlands designated for protection after those wetlands are acquired by a public agency or nonprofit organization (e.g., The Nature Conservancy).

3.15 The Waterside Protection setback proposed in the Natural Resources Special Study shall be applied to streams designated to be protected in this plan as identified on Map 3, Wetland Designations.

3.16 The City recognizes that habitat management considerations, purchase negotiations, site characteristics and unforeseen opportunities may cause acquisition area boundaries to differ from the protected wetland boundaries shown on Map 3 of the adopted Plan.

3.17 The following standards and criteria shall be used to designate newly identified wetland sites or portions of sites (i.e., undesignated wetlands within the West Eugene Wetlands Plan boundaries) for protection, development or restoration on the Wetlands Designation Map (Map 3) of the West Eugene Wetlands Plan. These standards and criteria provide the framework for maintaining a balance within the plan area between environmental protection and sound urban development, consistent with state and federal wetland law.

For each site or portion of a site, designations shall be based upon either 1) finding that the site meets at least one of the standards, or 2) a thorough consideration of how all the criteria apply to the site. A wetland site need not meet all of the criteria for a given designation in order to be given that designation. The restoration designation shall be used to identify sites considered important primarily for their location and function in the larger wetland system, and the restoration criteria shall be applied when a site does not clearly meet either the protection or development standards or the protection or development criteria as a whole.

Protection

Standard

1. Sites designated "Natural Resource" on the Metropolitan Area General Plan diagram shall be designated for protection.

Criteria

1. Site contains population(s) of one or more rare plant or animal species and contains sufficient and suitable habitat for the long-term protection of the population(s). This criterion is not met if only small occurrences of a rare plant species are found on a site with limited suitable habitat that is isolated from other undeveloped parcels.
2. Site is primarily within the 100 year floodplain.
3. Site is within 100 feet of a waterway (stream)

designated for protection on Map 3 of the West Eugene Wetlands Plan.
4. Site has a direct perennial or intermittent surface water connection to a wetland designated for protection on Map 3 of the West Eugene Wetlands Plan.
5. Site contains a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region.
6. Site has unique characteristics which make it of special importance to the functioning of the larger wetland system in West Eugene, and protection of site would further the goals and objectives of the West Eugene Wetlands Plan.
7. Presence of unique Willamette Prairie Grassland plant community. Site contains indigenous wet prairie habitat. This criterion is intended to apply to areas of wet prairie habitat that are large or of moderate to high quality.

Development

Standard
1. The site shall be designated for development if, at the time of designation of the site in the West Eugene Wetlands Plan, it has a valid, approved wetland impact permit from the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

Criteria
1. Site is relatively isolated or disconnected from the larger system of wetlands and waterways.
2. Site is served by existing streets, roads, sanitary sewers and municipal water.
3. Site is adjacent to or surrounded by existing development.
4. Site has frontage on a major highway or street.
5. Site has unique characteristics which make it of special importance to the economic development of West Eugene, and allowing development of site would further the goals and objectives of the West Eugene Wetlands Plan.
6. Site characteristics, including size, location and surrounding uses and activities are such that there exists a high probability that the site cannot be protected in perpetuity through the West Eugene Wetlands Program.

Restoration

Standard
1. Any site or portion of a site that is providing compensatory wetland mitigation as part of an approved state or federal wetland fill permit shall be designated for restoration.

Criteria
1. Site contains hydric soils.
2. Site is either a disturbed agricultural wetland or previously exhibited wetland characteristics.
3. Site is capable of providing adequate wetland hydrology.
4. Site does not currently benefit from municipal infrastructure and urban services.
5. Site is either larger than 15 acres or is contiguous with a waterway (stream) designated for protection on the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan.

3.18 Apply the criteria in Policy 3.17 to any newly delineated wetlands to determine their protection/development/restoration status.

3.19 Designations are intended to apply only to jurisdictional wetlands as determined by the Oregon Division of State Lands and the U.S. Army Corps of Engineers. Wetland Designations Map (Map 3) shows adopted designations for wetlands within the plan area, but does not necessarily depict the most current or accurate wetland boundaries. The West Eugene Wetland Conservation Plan Inventory (WCPI) Map should be used to determine existing mapped wetland boundaries. Mapping of wetland boundaries shall be revised through periodic updates to the WCPI map, which can occur without amending this plan, by administrative order of the City Manager. Following a revision in the WCPI map, designations shall apply only to the previously designated area which remains a jurisdictional wetland on the revised WCPI map. Newly-determined wetlands on the revised WCPI map shall remain undesignated until this Plan is amended to specifically designate those new wetland areas.

3.20 Local governments shall not issue grading or building permits within areas mapped as jurisdictional wetland in the West Eugene Wetlands Plan area unless the applicant has an approved state/federal wetland fill permit for the proposed project.

3.21 Future fill or removal within the "utility corridors" as designated on the Wetland Designation Map (Map 3) shall be conducted with an applicable U.S. Army Corps of Engineers (Army Corps) and/or Division of State Lands dredge and fill permit(s), and shall be limited to the minimum impacts necessary to:

1) conduct emergency repairs to existing utility lines,

2) conduct essential maintenance (e.g., work to maintain or optimize performance) on existing utility lines, including line locating,

3) construct connections to existing utility lines,

4) construct new utility lines,

5) move existing utility lines when necessary to maintain service or conduct emergency repairs, and when at least one of the following is true:
   a) the utility line must be moved to protect it

from erosion or some other natural threat;
b) construction of public facilities that are consistent with this plan and that conflict with an existing utility line, where such public facilities cannot reasonably be constructed without moving the utility line; or
c) the utility line must be moved in order to maintain or repair another utility line in the same vicinity.

6) place new utility poles or replace existing utility poles, only when necessary to maintain performance or safety of above-ground utility lines. Above ground utility lines may not be replaced with underground utility lines within wetlands designated for restoration or protection.

No other impacts are authorized by this policy. The following shall also apply to these corridors:

a. The corridors for underground utility lines shall be 20 feet wide for excavations or pipes up to 10 feet below ground surface (bgs), 30 feet wide for excavations or pipes from 10 to 15 feet bgs, and 40 feet wide for excavations or pipes deeper than 15 feet bgs. Where two utility lines are close to each other, the corridors for the lines may overlap, but impacts for work on one line are allowed only within the corridor width for that line, not the combined width of both lines.

b. The corridors for above ground utility lines shall be 10 feet wide for single pole structures and 20 feet wide for double pole ("H-style") structures.

c. The utility corridors shall be centered on an existing utility line, extending an equal distance (half the allowed width) on both sides, except for corridors for new utility lines, which shall be located as specified in subsection d below.

d. Construction of new utility lines and new connections to existing utility lines within wetlands designated for protection shall require an amendment of this plan to change the designation from "protect" to "utility line corridor." Such amendments will only be allowed where it is demonstrated that:

1) an alternatives analysis has concluded that locating the new utility line within a protected wetland is the best alternative. The alternatives analysis shall compare alternatives that are completely outside of protected wetlands and compare them to any alternatives that impact protected wetlands. The alternatives shall be evaluated by weighing engineering requirements and total environmental impacts including impacts to rare species and their habitat, and to wetlands designated in the Plan for restoration or protection.

2) the new construction cannot reasonably be constructed completely outside of wetlands designated for protection as demonstrated in the above referenced alternatives analysis;

3) the utility lines are located so as to reduce the impact to wetlands designated for protection as much as possible, and in no case shall a cumulative area greater than 1 acre be re-designated from "protection" to "utility corridor" for a new utility line;

4) unavoidable impacts will be mitigated through restoration of the project's entire impact area;

5) there are no impacts to wetlands from new utility lines installed within the Willow Creek Natural Area; and

6) impacts to rare plant and animal species will not occur.

e. Other than the activities described in this policy, these corridors shall be treated as protected wetlands. Allowed activities shall be conducted in such a manner as to minimize adverse impacts to the maximum extent possible upon the wetlands within the corridor itself and within surrounding protected wetlands. Wetland impacts shall be limited to the minimum area necessary. Utility agencies shall use the best feasible technology to pinpoint the location of needed repairs prior to excavation in order to limit the area of impact.

f. Except for emergency repairs, these activities shall be planned and timed to minimize adverse impacts to wetlands.

g. All impacts shall be followed by restoration activities including:

1) backfilling with existing native soil within three feet of the surface whenever possible, and in no case less than two feet; and

2) grading and re-seeding and/or replanting with appropriate native plant species.

h. Any unavoidable impacts to rare plant species shall be mitigated through coordinated transplanting or other measures.

3.22 Future fill within the Planned Transportation Corridors as shown on Wetland Designations Map (Map 3) shall be limited to those areas granted state and/or federal wetland fill permits for the construction of planned public roadway improvements. New roadway construction shall be limited to those projects listed in TransPlan as of August 10, 1992, excluding those projects listed in Appendix B; no other new roads or streets are permitted. Road widening and other improvements to existing roads or streets shall be limited to those

listed in TransPlan (1992) or in an adopted capital improvement plan (CIP) as of June 30, 1998. Road widening and other improvements to existing roads or streets within wetlands designated for protection or restoration shall require an amendment of this plan to change the designation to "Planned Transportation Corridor" if the project is not listed in TransPlan (1992) or in an adopted CIP as of June 30, 1998. In no case shall more than 1 acre (cumulative) of protected wetland be re-designated to Planned Transportation Corridor for improvements to an existing road or street.

3.23 The plant and animal species listed below shall be considered rare for the purposes and policies of this Plan:

Rare Plants:

white-topped aster	*Aster curtus*
Willamette daisy	*Erigeron decumbens var. decumbens*
shaggy horkelia	*Horkelia congesta*
Bradshaw's lomatium	*Lomatium bradshawii*
timwort	*Cicendia quadrangularis*

Rare Animals:

northwestern pond turtle	*Clemmys marmorata marmorata*
Fender's blue butterfly	*Icaricia icarioides fenderi*

3.24 The plant and animal species listed below are not officially considered rare, but shall be considered for addition to the list of rare species if they are confirmed to be present within the West Eugene Wetlands Plan area:

Plant Watch List:

retrorse sedge	*Carex retrorsa*
Howell's montia	*Montia howellii*
toothcup	*Rotala ramosior*

Animal Watch List:

Taylor's checkerspot butterfly *Euphydryas editha taylori*

Pacific western big-eared bat *Corynorhinus townsendii townsendii*

3.25 The West Eugene Wetland Program partners shall develop a strategy for conservation of rare plant habitat in the Plan area.

3.26 Pursue interim protection of sites which contain rare species, but do not meet the criteria for protection in Policy 3.17 through conservation easements or other measures until either (1) the affected species are de-listed or (2) conservation agreements are reached between the property owner and affected natural resources agencies to address the rare species populations.

3.27 Constructed roadside ditches which may exhibit wetland characteristics are not mapped or addressed by this plan.

3.28 The West Eugene Wetland Program partners shall continue to pursue and support the use of degraded wetlands designated for development for on-site stormwater treatment.

3.29 In cooperation with the property owner, the City shall pursue restoration of the current Eugene speedway site to provide a continuous corridor of protected habitat along Willow Creek.

Recommended Actions

3.1 Acquire all sites designated for protection or mitigation where there are willing sellers.

3.2 Establish acquisition priorities among protected sites. Highest priority shall be assigned to the following sites:

1. Bertelsen Slough/Stewart Pond complex (Site E2 and buffers)
2. Spectra Physics complex (Sites C2, C3, C4, C5 and buffers)
3. Willow Creek complex (Sites H1, H3 and buffers)
4. North Amazon complex (Sites B1, B4, B5)

Note: The numbers within the parenthesis are wetland identification numbers which were assigned by SRI at the time of wetland delineation. The letter portion of the ID number refers to the geographic subunit of the study area. Refer to Map 3 for the location of each wetland site.

3.3 Following acquisition, designate protected wetland sites "Natural Resource" on the Metropolitan Plan diagram.

3.4 Develop, adopt and apply natural resource protection measures as follows (complete text of these six proposals are contained in Appendix A).

Natural Resource Zoning District: apply to protected jurisdictional wetland sites following acquisition by managing agency or organization.

Waterside Protection and Development Ordinance: apply to designated streams, rivers, channels and riparian areas in study area as indicated on Map 3, Wetland Designations.

Upland Development Design: apply to uplands to the south of study area.

Low Impact and Active Public Access: apply to appropriate sites.

Clean-up, Restoration and Education Policy: apply to all protected areas and sites.

Stormwater Planning Policies: apply to all drainage channels in study area that are identified in the Eugene Areawide Drainage Master Plan.

3.5 As an interim measure, develop and apply a "wetland protection overlay zone" to sites identified for protection. To minimize potential impacts to wetland functions and values, require Planned Unit Development or Site Review procedures on all development proposals.

3.6 As a medium term interim protection measure and prior to acquisition for conservation and protection, apply design criteria outlined in the Waterside Development Ordinance.

3.7 Initiate amendments to the Eugene Code to establish natural resource buffer provisions and building setbacks and apply those provisions to wetland sites inside the (WEWP) study area identified for protection. The primary purpose of buffers and setbacks is to maintain or improve water quality within protected resource sites. Secondary benefits of buffers include creating open space between the resource and adjacent uses, helping to maintain or improve wildlife habitat values and wetland hydrology, and protecting the aesthetic value of the site. Setback distances and buffering requirements should be variable according to the relative value and sensitivity of the site and the severity of impact associated with the adjoining use. Setback and buffer requirements should not prevent building or development of otherwise buildable lots. (See Appendix A)

3.8 Develop and apply "best management practices" (BMPs) to construction and development within natural resource buffer setbacks and wetlands. BMPs shall include construction site practices to minimize water quality impacts, noise impacts, disruption of wildlife mating and nesting, to maintain stormwater conveyance capacity, flood control capacity and groundwater discharge and recharge, and to protect wildlife habitat. (See Appendix C for more detailed examples of best management practices).

3.9 Amend the existing "obnoxious vegetation ordinance" to exempt protected wetland sites from vegetation cutting requirements.

3.10 Strengthen the existing tree preservation and hillside development regulations to protect water quality within the Willow Creek and Amazon Creek watersheds.

3.11 Prepare a management plan for rare plants and ecosystems in conjunction with the University of Oregon, Oregon State University, Oregon Department of Agriculture, the Native Plant Society, The Nature Conservancy, the U.S. Fish and Wildlife Service, Environmental Protection Agency, Bureau of Land Management, Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

3.12 Negotiate intergovernmental agreement(s) with the Oregon Division of State Lands, U.S. Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Soils Conservation Service and U.S. EPA to ensure that: (1) those agencies abide by the goals and policies of this plan in all wetland permit decisions, and recognize the WEWP wetland boundaries as the definitive regulated wetland boundaries of west Eugene, and 2) development will not be allowed under Army Corps of Engineers "Nationwide Permits" on sites designated for protection under this plan.

3.13 Seek administration of federal and state wetland re gulations at the local level by obtaining a Regional Permit from the Army Corps of Engineers and approval of a Wetland Conservation Plan from the Oregon Division of State Lands.

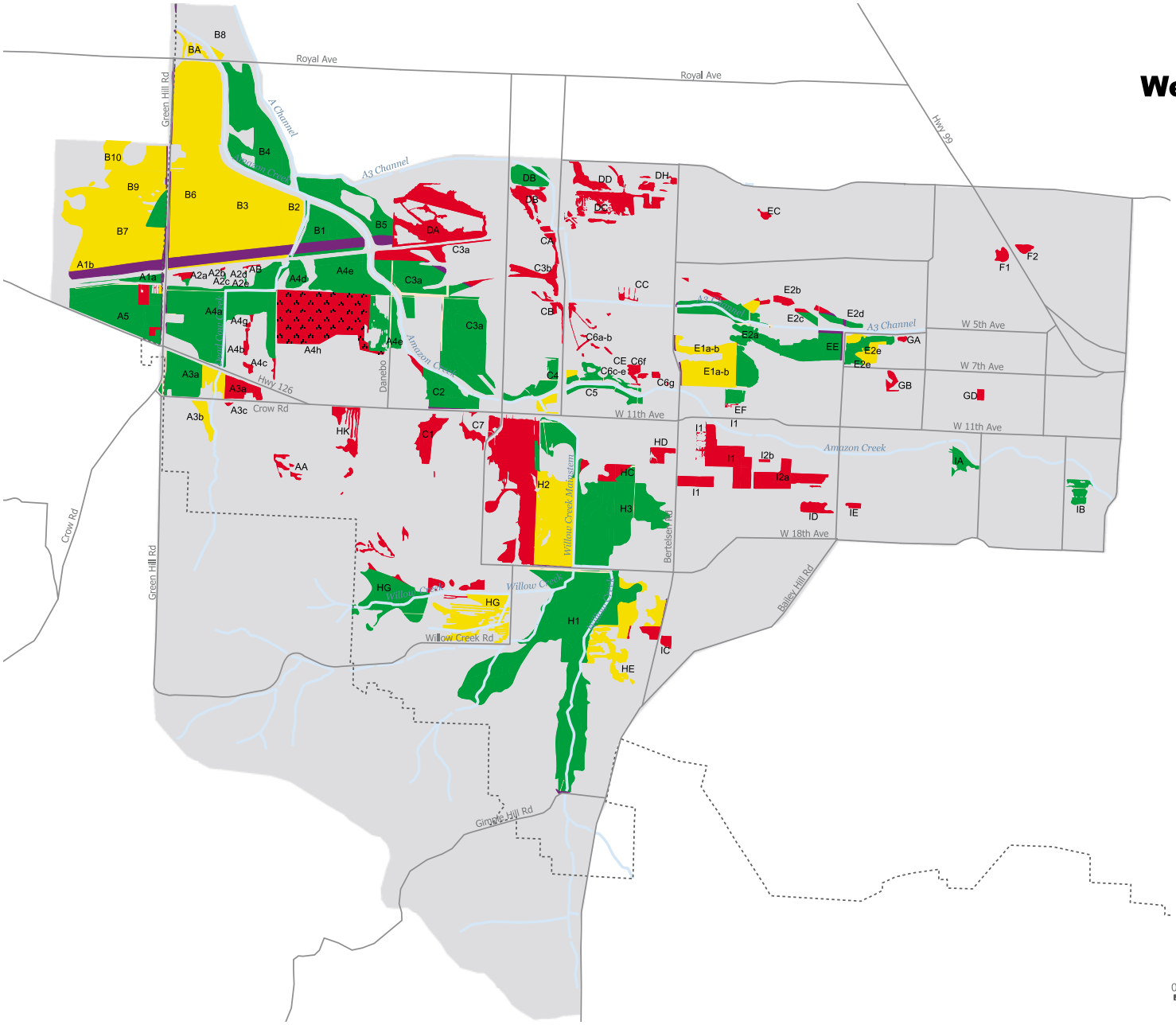
3.14 Implement strategic plan for conservation of rare plant and animal habitat in the Plan area including:

a. Protection of significant rare species populations
b. Allowances for "takes" of small rare plant populations
c. Management strategies for recovery of rare species
d. Use of conservation easements or acquisition in fee of rare plant habitat, where appropriate, to protect rare plant habitat
e. City-sponsored rare plant surveys of privately owned sites with property owner permission conducted by professional botanists during the appropriate times of year to maximize chances of identification
f. Determination of threshold population sizes and other characteristics for identifying significant rare plant populations
g. City sponsorship of program to transplant and monitor recovery of small populations of rare plants where appropriate

3.15 The City shall, in cooperation with affected utility companies and agencies, develop guidelines or interagency agreements regarding conducting routine, essential maintenance and emergency repairs of utility lines that exist within protected wetlands. These guidelines or agreements shall address, at a minimum, the following:

a. coordination with property owner
b. coordination with City of Eugene
c. pre-planning and seasonal timing of maintenance
d. specifications for backfill, grading and replanting with native species
e. emergency repairs
f. new construction
g. conducting rare species inventories
h. vegetation removal
i. identification of appropriate access points

Map 3
Wetlands Designations Map



Wetland Designation

- **Protect** Wetlands to be Protected (areas generally unsuitable for disposal of dredged or fill material).
- **Restore** Wetlands to be enhanced for Mitigation Credit.
- **Develop** Wetlands to be Developed (possible future disposal sites for dredged or fill material).
- Planned Transportation Corridor
- Utility Corridor

Other Features

- Streams to be Protected
- Roads
- Berm and Furrow Wetland
- Eugene Urban Growth Boundary
- Wetland Plan Boundary

Future fill within the Planned Transportation Corridor designation shall be limited to those areas granted state and/or federal wetland fill permits for the construction of planned public roadway improvements. All other wetlands within these corridors shall be protected.

This map is a generalized map, and should not be used to identify location of wetland boundaries. For wetland boundaries refer to the accepted Wetland Conservation Plan Inventory Map.

City of Eugene Planning and Development Department
Effective Date: August 31, 2002

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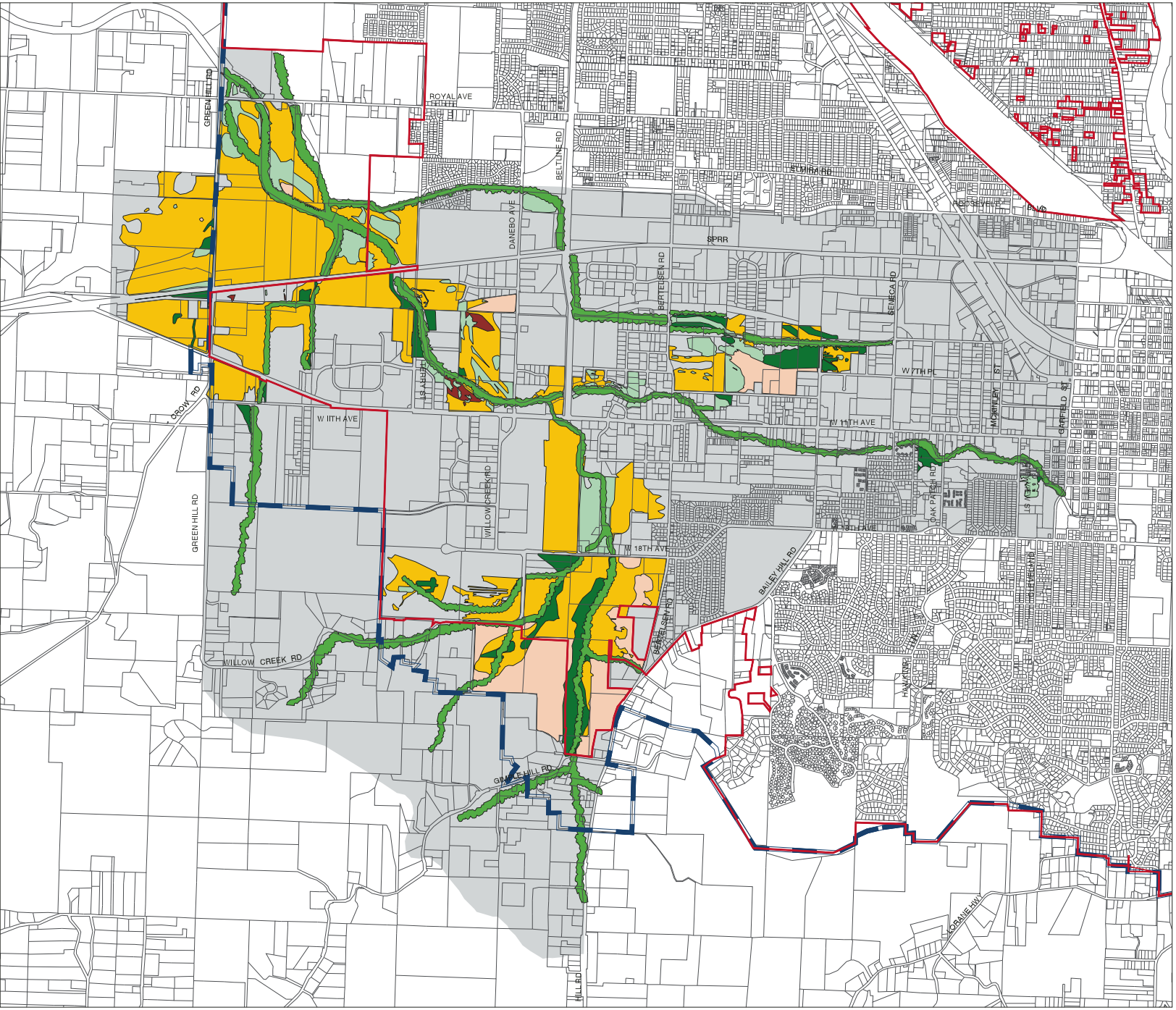

Map 4
Conceptual Plan

Note: This map reflects a vision for future efforts to improve the quality of the Amazon Creek Basin by protecting, restoring, enhancing and creating wetland resources.

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- Upland Habitat
- WEW Plan Area
- City Limits
- Urban Growth Boundary

This map is for information only, and is not adopted policy.

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4. Development and Mitigation

4. Development and Mitigation

Introduction

This element of the Plan acknowledges conditions where the community's need for economic development outweighs the benefits to protect certain wetland sites by making them available for development according to the mitigation provisions of this Plan. The Plan views the mitigation process as an opportunity to restore and enhance wetland functions and values of the Amazon Creek basin, while allowing limited development on isolated, lower quality wetlands and meeting the requirements of state and federal wetland law.

The wetlands designated for development were determined through a process that evaluated each wetland against a set of criteria which had the effect of identifying those wetlands that are isolated, low quality and of limited functional value. The criteria used in evaluating sites for possible development are contained in Policy 3.17.

In addition to evaluation by local experts, resource agencies and community members, the relative quality of the west Eugene wetlands was determined by the Wetland Evaluation Technique (WET) program, designed by Paul Adamus of the Environmental Protection Agency. The results of this evaluation are contained in the Technical Report.

The Plan proposes to use the mitigation process to achieve compliance with federal and state wetland law, and to provide a vision and program for incorporating all of the elements of this plan with other related community objectives (flood control, water quality and wildlife habitat enhancement, recreation and education programs) so that a broader goal is achieved – the restoration of the Amazon Creek basin into a community asset.

The basic concepts of the mitigation program are:

- Avoid and minimize impact to all wetland sites that meet the protection criteria contained in Policy 3.17.

- Where impact is unavoidable, compensate for losses commensurate with the level of impact giving priority to establishing the basic physical wetland parameters (water, topography, connectedness) that eventually results in full functioning and diverse wetland habitats.

- Establish a management entity that will monitor, maintain and enforce the requirements of the mitigation program.

- Where full functioning wetlands are to be impacted, in-kind replacement of significant functions and values will be required. The overall mitigation program, however, will be guided by the ecological characteristics of the regional landscape and not necessarily by specific case-by-case impacts. For disturbed agricultural wetlands, mitigation requirements will be determined using historic wetland types presumed to have existed prior to disturbance and the desired mix by the public. Incentives will be provided to mitigate in advance of impact in the form of replacement ratios which are less than the ratios for compensating at the time of impact.

- To increase the certainty of success and to achieve the goal of a connected system of wetlands and waterways, mitigation efforts are targeted for areas that once exhibited, or currently exhibit, proper wetland soils and moisture conditions. Within the WEWP boundary, the primary mitigation sites are "disturbed agricultural wetlands." These sites are missing at least one of the three wetland parameters (water, hydric soil, wetland vegetation) and due to non-wetland activities (agricultural uses) occurring on these sites, their existing wetland value is relatively low. As such, for mitigation credit purposes, the Plan gives more credit for the enhancement of these sites than for other "low" quality wetlands that exhibit all three wetland parameters.

- The primary means to achieve the Plan's mitigation goals is through the establishment of a regional wetland mitigation bank. These are areas where the most suitable lands for mitigation are identified, acquired, designed, constructed and managed in advance of wetland impact, and incentives are provided that encourage the use of the bank by those seeking a wetland impact permit. Because the Plan will enhance and restore more wetland acreage, functions and values than will be lost to development, the excess capacity will be available for mitigation credit to properties located outside the west Eugene study area and within the Urban Growth Boundary, and to the Eugene Airport proper.

Photo: Protected wetlands adjacent to the Burley Design Cooperative building. (photo by N. Björklund)

Goals, Policies, Recommended Actions

Goals

4.1 Use the wetland mitigation process as an opportunity to achieve multiple community objectives, including wetland resource enhancement, increased flood control capacity, water quality enhancement and the establishment of educational and recreational programs.

4.2 Use the wetland mitigation process as an opportunity to reverse the trend of wetland losses and begin a positive trend of wetland gains by restoring and enhancing the historic wetland system of the Amazon Creek watershed.

4.3 Achieve compliance with federal and state wetland law, policies and guidelines.

4.4 Increase certainty in the development process.

4.5 Minimize reductions to the existing industrial and commercial buildable lands inventory as a result of wetland protection.

4.6 Provide for the overall wetland mitigation needs for the community of Eugene, including the territory within the Urban Growth Boundary and Eugene Airport.

Policies

Mitigation

4.1 Mitigation efforts shall help to reestablish a connected system of wetlands, waterways and upland resources.

4.2 To insure long-term success, mitigation efforts shall give priority to establishing or reestablishing the basic hydrologic conditions necessary to meet the stated mitigation objectives.

4.3 Mitigation efforts shall concentrate on restoring wet land type, habitat, functions and values that represent the historic, ecological landscape of the Amazon Creek basin.

4.4 Mitigation efforts shall use local, native plant species.

4.5 Mitigation efforts shall be designed and constructed to minimize the level of on-going maintenance.

4.6 Develop, adopt and implement a comprehensive wet land mitigation program.

4.7 Mitigation projects will occur within the area of the Long Tom River watershed and its tributary streams, as shown on Study Area Map (Map 2).

4.8 Historic wetlands and disturbed agricultural wetland sites are the preferred areas for mitigation projects.

4.9 Establish, develop and maintain a regional wetland mitigation bank program that will establish a mitigation credit system for serving the West Eugene Wetlands Plan, the balance of the Eugene Urban Growth Boundary and the Eugene Airport proper.

4.10 To be eligible for participation in the mitigation bank, wetland impact requests must be consistent with the goals, policies and provisions of this Plan.

4.11 Require all mitigation efforts to participate in a comprehensive monitoring and maintenance program.

4.12 Develop a system that provides security against unsuccessful mitigation efforts, such as a bond or other financial guarantee.

4.13 Amend applicable City codes, policies and maintenance operation procedures to comply with the provisions of this Plan and implementation measures.

4.14 All mitigation must be completed in advance or concurrent with development, except as otherwise provided in approved standard individual wetland permits or signed intergovernmental agreements between the City, the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

4.15 Unless on-site mitigation would better meet the goals and policies of this Plan, mitigation efforts shall occur according to the provisions of the regional mitigation bank provisions.

4.16 Enhancement of existing wetlands can be used to add functional credits to the wetland mitigation bank.

4.17 The City of Eugene shall calculate mitigation requirements for all wetland impacts within the West Eugene Wetlands Plan area using the applicable ratio from Table 1 below, subject to the provisions in A through D below. In no case shall a ratio of less than 1:1 be allowed.

A. For impact sites with recent disturbance, the City of Eugene shall determine mitigation ratios based upon an analysis of habitat type on the site as of April 2, 1999, as determined by aerial photo analysis. No reduction in ratios for fair to poor quality habitat shall be allowed for recently disturbed impact sites.

B. The City of Eugene shall calculate mitigation requirements for impact sites with more than one habitat type by multiplying the appropriate ratio by the number of acres impacted for each habitat type and summing the resulting acreage for each habitat type.

C. Ratios shown in Table 1 for wet prairie, shrub/scrub, forested and emergent wetlands are for impacts to good to excellent quality habitat. Impact sites that contain one or more plant species designated as rare in the West Eugene Wetlands Plan shall be considered good to excellent habitat. Impact sites containing these habitat types of fair to poor quality can be evaluated for lower replacement ratios only if the applicant submits field data according to the following provisions:

(1) Habitat quality shall be determined by the City of Eugene, based upon field conditions as represented in field data submitted by the applicant on forms provided by the City. Field data shall be collected between May 1 and July 30 by a qualified professional, shall include distribution data for all plant species present and shall include data from sampling points in the center of the wetland area.

(2) For sites containing wet prairie, shrub/scrub, forested and emergent wetlands of fair quality the ratio can be reduced by 0.25:1 and for sites containing these habitat types of poor quality the ratio can be reduced by 0.5:1.

D. The ratios for privately constructed mitigation (i.e., not purchased through a state/federal approved wetland mitigation bank) are based upon construction of the mitigation concurrent with the permitted filling of a wetland. If private mitigation is constructed prior to the wetland impact, the ratio can be reduced by 0.25:1.

Table 1

Mitigation Replacement Ratios for Good to Excellent Quality Habitat

(Mitigation acres: Impact acres)

	Private Mitigation			Mitigation[2] Bank
Wetland Habitat Type (impact site)	**Restoration[1]**	**Creation**	**Enhancement**	
Wet Prairie	2:1	2.25:1	2.5:1	1.75:1
Other Wetland Types: shrub/scrub, emergent, forest	1.5:1	1.75:1	2:1	1.25:1
Disturbed Wetlands: Agricultural, crop land, pasture, old field, fill	1:1	1.25:1	1.5:1	1:1

Notes:

(1) Restoration is the preferred mitigation method for the West Eugene Wetlands program. To encourage restoration, it is given the lowest ratio of the three mitigation methods.

(2) This column shows the mitigation replacement ratios that will apply to those who are meeting their mitigation requirements through a public or private mitigation bank or mitigation bank program approved by the Oregon Division of State Lands and the U.S. Army Corps of Engineers (i.e., these ratios apply to "customers" of the "bank"). Participants in the mitigation bank pay a fee into the "bank" in lieu of constructing their own mitigation project. The mitigation replacement ratio determines how many acres of mitigation credit must be purchased for each acre of wetland impact. The ratio does not address how credits are produced by the bank. The ratios are lower than for private mitigation because state and federal approval of mitigation banks requires that the majority of mitigation projects be constructed prior to selling credits.

4.18 Either on a regional or case-by-case mitigation basis, develop better information as to existing wildlife habitat values and a mechanism, such as the modified Habitat Evaluation Program (HEP), to measure future wildlife gains on mitigation sites.

4.19 Guided by the Conceptual Plan Map (Map 4), a three-year capital improvement plan will be prepared for the Mitigation Bank program, identifying mitigation sites, mitigation methods to be undertaken, number of mitigation areas, and approximate mitigation credits to be realized.

4.20 While compensatory mitigation may be achieved through any one mitigation method or combination of methods (i.e., restoration, enhancement, creation), restoration is the preferred method.

Development

4.21 Allow development of wetlands that are designated for development on the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan.

4.22 Use the West Eugene Wetland Conservation Plan Inventory Map, as the basic inventory for identifying wetland sites and functions and values to be filled and replaced.

4.23 Provide flexibility in the provisions of the mitigation program so that conditions unique to certain properties can be resolved at the administrative level provided the conditions meet the basic intent, purpose, and criteria of this Plan.

4.24 Provide wetland technical assistance to the public.

4.25 Unless designated as a mitigation site in this Plan or as part of on-site mitigation requirements, buildable lands that are within the UGB and designated for commercial or industrial use should not be used for mitigation.

4.26 For application with future mitigation efforts, encourage wetlands identified as future disposal sites for dredged or fill material to be utilized (prior to development) as a source for wetland vegetation and soils.

Administration

4.27 Encourage use of regional or local nonprofit agencies to assist in managing and monitoring wetland mitigation and protection efforts.

Recommended Actions

4.1 Establish procedures and review criteria for evaluating requests for participating in the WEWP's regional mitigation program. The type of procedure and level of review should be consistent with the goals and policies of WEWP. Administrative procedures should suffice for projects that are fully consistent with WEWP, while quasi-judicial procedures may be necessary for projects that are not consistent.

4.2 Develop and adopt a Comprehensive Wetland Mitigation Program.

4.3 Develop wetland mitigation provisions that require a wetland impact permit and mitigation plan to be approved and obtained from the responsible regulatory agencies prior to any activity that may further degrade wetland resources, including drainage modifications, landlord alterations, storage of materials, vegetation removal and construction related activities.

4.4 Assist with the restoration of the Lower Amazon Creek wetlands and floodplain area - bounded by Royal Avenue, Terry Street, Greenhill Road and the Southern Pacific Railroad tracks - by supporting the Army Corps of Engineer's restoration project.

4.5 Establish a local wetland assistance team to provide technical assistance to the public.

4.6 Require a preapplication conference with the wetland assistance team to provide an information exchange concerning the objectives of the applicant and the requirements of the wetland provisions.

4.7 Monitor ground water elevations along Amazon Creek, A Channel, Willow Creek, and the A-3 Channel and match hydrologic requirements of mitigation projects with the findings of the monitoring system.

4.8 Develop a permit processing system in which the level of review is matched with the proposed magnitude of wetland impact and degree of consistency with the goals, policies and standards of WEWP.

Western Amazon Drainage Basin

This area is shown on Map 2. Other than statements in this section, the Western Amazon Drainage Basin is not intended to be affected by any portion of the Plan.

This area is included in the Plan to identify lands which may be available to help meet mitigation needs within the West Eugene Wetlands Study Area and the greater Eugene region. Land acquisition in this area will occur only from willing owners who choose to sell land after an independent appraisal has been obtained which determines the fair market value of that land. Owners may choose to sell land outright, sell a conservation easement, or donate land under a voluntary program. There is nothing in this

Plan which prohibits owners from participating in a regional mitigation bank or seeking to sell mitigation credits or rights on the open market.

Goal

4.7 Allow some of the region's wetland mitigation needs to be met through enhancement and restoration of wetlands in the Western Amazon Drainage Basin.

Policies

4.28 Use cooperative arrangements with private land owners to acquire lands, conservation easements, or land donation through voluntary programs and negotiations with willing sellers.

4.29 Seek restoration and enhancement of wetlands for mitigation purposes based on the following factors: a) presence of hydric soils, b) indication of past wetland conditions, c) proximity to water features, d) proximity to the floodplain, and e) capability of providing adequate wetland hydrology.

4.30 Attempt to minimize impacts of the mitigation program on adjacent uses by providing buffers within the boundaries of land purchased and enhanced or restored or through cooperative programs which are acceptable to adjacent land owners.

Recommended Action

4.9 Use cooperative arrangements with private land owners to implement this Plan. Keep affected parties informed of the Plan implementation and amendment process.

5. Operating, Maintaining and Monitoring

5. Operating, Maintaining and Monitoring

Introduction

This section describes goals, policies and recommended actions for the operations, maintenance and monitoring elements of WEWP. The establishment and implementation of a program that maintains and monitors the efforts of wetland protection, restoration and mitigation is important to the success of a wetland management plan.

The Plan proposes to create a Comprehensive Monitoring and Maintenance Program (CMMP) for all wetland areas designated for protection, and mitigation. The Public Works Department will assume the lead responsibility for implementation and administration of the CMMP. A key element of the CMMP is enhancement and utilization of the multiple use aspects of the resource.

While one of the purposes of the program is to insure successful mitigation efforts, the primary purpose is to insure the health and sustainability of the system as a whole. Traditionally, the Public Works Department has maintained the stormwater drainage system in west Eugene to meet flood control objectives using standards established by the U.S. Army Corps of Engineers and the Natural Resources Conservation Service to protect the health and safety of the community. By maintaining the inherent functions and values of a wetlands system many positive benefits can be realized. These include stormwater conveyance and flood control, water quality improvements, increased aesthetic and recreational values, educational and scientific opportunities, and wildlife habitat improvements.

For mitigation efforts, participation in the CMMP will be mandatory. Maintenance requirements will be addressed during the design and construction phases of mitigation in order to best anticipate the scope and cost of future maintenance activities. The CMMP will contain provisions that require each mitigation project to develop specific standards by which to measure the progress and success of the project as well as a monitoring schedule, annual progress reports and contingency recommendations. A performance guarantee will be required in the form of a bond or other acceptable method to pay costs for future repairs or corrections.

Monitoring for permit compliance and research purposes will aid in determining how to best meet stated goals and performance standards. Vegetation, hydrology, inundation, wildlife, and water quality are the most common indicators of concern. The CMMP will be responsive to monitoring data in order to make necessary adjustments in the field.

Routine maintenance of wetland sites will include vegetation management such as selective plant removal and replacement, dredging, water level manipulation, erosion control, debris and litter removal, and annual inspections to ensure that sites are operating as intended. Non-routine maintenance tasks will include structural repairs and replacement of parts, and sediment removal. Individual sites will be maintained and monitored in accordance with established performance standards.

Finally, the development and implementation of a CMMP is an opportunity to revise the traditional stormwater operations and maintenance practices of the Public Works Department. The incorporation of watershed management principles will advance multiple use objectives while successfully maintaining the resource.

Goals, Policies, Recommended Actions

Goals

5.1 Conserve and enhance wetland functions and values through operations, maintenance and monitoring practices.

5.2 Ensure the long-term health and survival of protected wetlands in west Eugene by incorporating watershed management principles in operations and maintenance practices.

5.3 Demonstrate responsible wetland stewardship by increasing the City's knowledge and understanding of wetland ecology and management and apply that knowledge to operations, maintenance and monitoring practices.

Policies

5.1 Accomplish multiple objectives through a stormwater

Photo: City of Eugene staff preparing the north Green Hill wetland mitigation site, 1998.

management program designed to provide for storm and flood water conveyance, flood storage, water quality improvement, passive recreation, education, and wildlife habitat and biological support in an effective and cohesive way.

5.2 Ensure compliance with the WEWP goals and policies through an operations, maintenance and monitoring program that is responsive to the needs of an evolving ecological system.

5.3 Advance the success of wetland mitigation projects through a comprehensive long range monitoring effort and use the results in on-going operations and maintenance.

5.4 Develop performance standards corresponding to the stated mitigation goals of WEWP and utilize those standards in designing and evaluating an operations and maintenance program.

Recommended Actions

5.1 Review all public works projects for opportunities to create, restore, and enhance wetland functions and values.

5.2 Establish a native wetland plant nursery and seed bank that relate to the biologic habitats of the area. Encourage the recovery of wetland plants within the study area for replanting in nurseries and mitigation projects prior to any construction or maintenance activity.

5.3 Produce an annual report documenting activity in the study area, e.g., mitigation sites, constructed water quality features, and buffer areas. The report may include:

- a record of fill and removal activity
- a description of enhancement, restoration, and mitigation projects
- mitigation bank activity
- maintenance and operations activities
- monitoring data including photographic sampling: ground level (annually) and aerials (every three to five years)
- evaluation of mitigation success in relation to performance standards
- summary of any new technical information or regulatory changes relevant to the study area
- assessments of annual and cumulative impacts and accomplishments
- status of planning and construction of public projects
- building permit activity
- individual permit compliance
- acquisition progress
- financial summary

Present the above annual report to the Eugene Planning Commission and City Council, the WEWP Technical Advisory Committee, and the general public.

5.4 Review the channel maintenance program to determine which alternative technologies are appropriate in order to:

- minimize impacts to wildlife
- reduce bank erosion and sedimentation
- utilize the pollutant removal benefits of channel vegetation

5.5 Restore more natural stream conditions where possible such as:

- establishment of a ‘low flow’ meander in the channel bottom
- increase channel width
- terraced banks
- re-sloping of steep channel banks
- replanting of channel banks with native vegetation
- creation of wetland ‘bench’ areas contiguous with the low flow channel

5.6 Utilize existing natural ditch systems instead of stormwater pipes, where practical, for the conveyance of stormwater, and in the design of new developments.

5.7 Seek support from nonprofit organizations and private volunteers for selected maintenance and monitoring activities.

5.8 Create a public education program to inform the community of stormwater permit requirements, the opportunities that exist to achieve multiple use benefits, and how citizens can participate.

5.9 Develop pilot projects for the establishment of maintenance strategies to help determine methods compatible with multiple use objectives. Pursue grant monies to create these projects.

5.10 Evaluate implementation strategies to establish the best mix of organizational resources to manage the multiple use aspects of WEWP.

5.11 Establish a long term monitoring program designed to evaluate the success of wetland mitigation in relation to established performance standards. The program will apply to newly created, restored, and enhanced wetlands, as well as water quality sites and buffer areas. All sites will be monitored for a minimum period of ten years, or longer if required for compliance purposes.

- collect data on pre-existing wetlands for comparative purposes

- evaluate the success of wetland mitigation in relation to established performance standards

Sampling may include:

- seasonal wildlife evaluation
- annual quantitative monitoring of vegetation establishment, survival and coverage
- hydrological measurement and observation
- water quality analysis
- overview and photographic sampling

Comment: The regulatory standard for monitoring requirements is currently five years. The above recommended action is consistent with this standard though it does not preclude a longer monitoring period requirement on a case-by-case basis in the study area.

6. Financing

6. Financing

Introduction

A vital and unique aspect of WEWP is its proposal for a financing program designed to pay for the protection, restoration and maintenance of the wetland system in the Amazon Creek basin. The financing program is a cornerstone for the wetland program, simply because the Plan's goals cannot be fully realized without sufficient funding. The total cost for the proposed wetland acquisition, mitigation, restoration, enhancement and maintenance is estimated to be $16.4 million over ten years (1993 - 2003). The WEWP Technical Report explores a variety of funding sources and organizational structures, and concludes that a few of these approaches are most promising. The Plan's financing effort relies primarily upon (1) securing state and federal funds, (2) instituting a local, city-wide stormwater utility fee, (3) sale of "credits" in the regional wetland mitigation bank, and (4) private contributions through or to nonprofit organizations or foundations. Other financing mechanisms given strong consideration include a local bond measure and designating a portion of the stormwater systems development charge to finance flood control, water quality and stormwater management portions of the wetland program.

Acquisition for Protection, Mitigation, Restoration and Enhancement

The outright purchase of wetlands by the public has been demonstrated to be the most effective method to insure resource protection. The Plan proposes a priority schedule for the acquisition of all wetlands designated for protection. As proposed, over 1,000 wetland acres within the study area will be acquired over a six year period. The City of Eugene is seeking federal funds to assist in acquiring land and easements in the study area.

The Plan proposes to provide choice and flexibility in the methods used to meet mitigation obligations, including participation in a regional mitigation bank and through conventional individual permit efforts. Because the mitigation bank method provides greater potential for success and meets other City objectives, such as flood control and water quality enhancement, financial incentives are proposed to encourage participation in the bank system. While other options are possible, the Plan recommends the bank be publicly owned and managed by a private nonprofit or public organization. The Plan proposes a priority acquisition schedule for lands within the bank area and for areas located outside of the bank where mitigation credit is given for corridor linkages.

A variety of funding sources may be used to accomplish acquisition, such as federal and state programs, bond measure, private donations and systems development charges. A bond measure may be instrumental if matching funds are required to secure federal land acquisition program dollars.

Construction for Mitigation, Restoration and Enhancement

In addition to land acquisition, costs will be incurred for the enhancement, restoration and construction of these lands. In conjunction with the priority schedule for acquisition, construction will occur accordingly. Total construction cost is estimated to be $11.9 million. Possible funding sources for these costs include mitigation requirements for obtaining a wetland impact permit, federal and state demonstration projects, private donations, system development charges, public grants and stormwater user fees.

Operating, Maintaining, and Monitoring

WEWP proposes a comprehensive program to monitor and maintain the areas identified for protection, mitigation, enhancement and restoration. The City Public Works Department is proposed to have lead responsibility for these functions. The level of service will graduate as the amount of area comes into the program. It is estimated that at full service level, the annual cost will be $250,000. Financing the annual budget is proposed to be provided through a stormwater user fee which will be charged to all households and businesses within the city limits.

Photo: Senator Hatfield and Mayor Bascom unveil sign at Eastern Gateway Restoration site, May 1994.

Goals, Policies, Recommended Actions

Goals

6.1 Establish a stable funding program for achieving long-term and short-term goals for wetland protection, mitigation, maintenance, flood control, water quality restoration, and educational programs.

Policies

General

6.1 Protect and restore wetlands in advance of development needs and reduce long-term costs and delays by designating an agency responsible for land acquisition.

6.2 Set wetland funding priorities in accordance with this Plan.

6.3 To maximize use of public funds, coordinate the planning and budgeting needs of various departments with the financial needs of WEWP so that opportunities to combine resources and achieve similar objectives are realized.

6.4 Minimize total costs to the community for wetlands protection, flood control, and water quality purification.

6.5 Use a variety of funding sources to finance the land acquisition, construction, maintenance and monitoring programs.

6.6 The City shall work with nonprofit organizations and interested educational institutions to develop coordinated research programs related to the west Eugene wetlands. Efforts at securing funds for priority research projects shall be part of a cooperative effort.

6.7 Outside the regional wetland mitigation bank program, private owners shall pay the full cost of land acquisition, wetlands construction, and required wetlands monitoring and improvement.

Acquisition

6.8 The City shall seek federal and state funds for land acquisition.

6.9 The City's land acquisition program shall be coordinated with one or more nonprofit organizations to provide financial advantages and incentives for property owners willing to participate in this program.

Construction

6.10 The City shall seek federal and state funds and establish a stormwater user fee for constructing public works projects, wetlands demonstration projects, and other improvements outlined in this Plan.

6.11 When the City assumes permitting responsibility for the regional wetland system, a fee should be charged to public and private participants in the wetland bank. That fee would be used to contribute to the land acquisition and construction program.

6.12 The City should use a portion of its stormwater systems development charge to finance construction of stormwater projects which are part of the west Eugene wetlands system.

6.13 The City Public Works Department shall have responsibility for managing the design and construction function of the Comprehensive Monitoring and Maintenance Program (CMMP).

Operations

6.14 The City Public Works Department should have responsibility for managing flood control, water quality, wetland operations and maintenance functions.

6.15 Establish a stormwater user fee to fund the flood control, water quality and wetlands operations and maintenance functions.

6.16 In conjunction with its community education program, the City should coordinate volunteer efforts, to help in reducing operating costs.

Recommended Actions

6.1 The City and Lane County should coordinate use of possible funding options that provide benefit for the region-wide mitigation program.

6.2 The City and Lane County should consider dedication of city and county owned lands in the study area region for the protection, restoration, and mitigation program.

6.3 The City should investigate formation of a land trust or trust fund to promote private contributions in the wetlands funding program or should combine its local funding efforts with established nonprofit organization's programs (e.g. The Nature Conservancy), with particular attention to Willow Creek and the Amazon Creek basin.

6.4 To facilitate compliance with wetland mitigation requirements and federal water quality standards, the City should encourage local businesses to participate in creating a matching fund for demonstration projects and funding acquisition and construction.

6.5 The City should seek private foundation support for implementing the model aspects of its wetlands program.

6.6 The City should consider conducting a public opinion survey regarding public support for a combined "joint parks, natural resources, and wetlands" bond measure. If the results are positive, the City should consider a revenue bond (backed by a stormwater user fee) to fund the local share of acquisition and construction projects.

6.7 The City should use local improvement districts for assessing public improvements outside the mitigation bank where owners directly benefit from a public works project in this Plan.

6.8 The City should consider creating an annual natural resources/wetlands stamp to raise funds. A children's art contest, a poster contest, and other means could be issued to generate interest in the city's natural resources program and could generate revenues.

Projects for Future Study

These projects are suggested in the Plan or are recommended for further study. They are not included in the West Eugene Wetlands Plan's cost estimates.

Upper Amazon Water Features. The Plan suggests improvements be made at these locations to provide additional flood capacity storage, enhance wetland and riparian habitat values and improve stormwater quality in the Upper Amazon Basin:

- Amazon Park
- Amazon Drive
- Lane County Fairgrounds
- Westmoreland Park/Patterson School Vicinity
- Concrete-lined Channel

Interpretive Center. The Plan suggests, through an EPA grant, a feasibility study for this facility be conducted. There are no cost estimates available for such a center.

Bike Paths. These paths are outlined in TransPlan, the Eugene Bicycle Master Plan, and the U.S. Army Corps of Engineers Fern Ridge Lake Master Plan:

- Amazon Bicycle Path - Seneca to Fir Butte Road
- Fern Ridge Bicycle Path - Fir Butte Road to Orchard Point
- A-3 Bicycle Path - Seneca to A Channel

Ridge line Trail. This project is included in several existing City of Eugene plans: The South Hills Study, Parks and Recreation Master Plan, and the Willow Creek Special Area Study.

7. Future Studies

7. Future Studies

While much information about the west Eugene wetlands has been developed, it is recognized that additional study and research is warranted. This chapter recommends completion of some of those studies which are underway in early 1991 and recommends undertaking other future studies.

As conditions change and as the Plan matures, adjustments will be needed. The impacts of other studies on the area and the impacts of this Plan on other studies may have implications which require future actions. This chapter proposes a method for monitoring some of those activities which may require amendment or update of this Plan.

While many measures are in place, some additional measures are needed to implement the Plan's goals and policies. This chapter summarizes those needed actions.

Goals, Policies, Recommended Actions

Goals

7.1 Keep the Plan current with changing natural and human conditions and community attitudes by conducting on-going studies.

7.2 Make other community plans, regulations, policies and operating procedures consistent with the West Eugene Wetlands Plan.

7.3 Implement the goals, policies and actions of the West Eugene Wetlands Plan.

Policies

7.1 Conduct further studies to:

- Improve wetland system management for multiple uses.
- Determine techniques for managing the system in an efficient and beneficial manner.
- Compensate for changes caused by the West Eugene Wetlands Plan.
- Develop wetland restoration, enhancement, and creation techniques specific to the Eugene area.

7.2 Conduct the water quality and wetlands studies outlined in the 1990 EPA grant to the Lane Council of Governments:

- Analyze habitat and hydrology
- Evaluate identified potential restoration and mitigation sites
- Review detailed restoration and mitigation design and construction plans
- Design wetlands created to treat stormwater pollution
- Study the feasibility of a wetlands interpretive center in west Eugene for possible use as:
    - visitor center
    - educational center
    - office for a non-profit organization
    - offices for university and graduate student wetland research
    - wetland library
    - meeting room and auditorium

7.3 Conduct studies and expand the west Eugene inventories to other sections of the City:

- Delineations and functions and values analysis outside the Urban Growth Boundary
- Inventory and evaluate wetlands and hydric soil areas throughout the greater Eugene urban region with top priority areas being the Highway 99 and Eugene Airport regions and the north Willakenzie neighborhood
- Apply the wildlife habitat rating methodology to selected number of agriculturally disturbed wetlands, including WEWP, Highway 99, and Willakenzie areas
- Expand the historic wetlands inventory methodology

7.4 The City shall promote and encourage scientific research of benefit to the west Eugene wetlands system.

7.5 The City shall consider up-stream improvements and studies that would benefit water quality and quantity in the Amazon drainage system.

Photo: Raccoon footprints in mud.

7.6 The City shall continue to work with the Oregon Division of State Lands, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency toward obtaining a regional wetland permit to be administered by the City.

7.7 The City, in cooperation with one or more nonprofit organizations, shall develop and maintain a computerized wetlands database linked to the regional geographic data system. The database should cover the broader wetlands study area. The database should include information on: wetland boundaries, soils, plants, animals, hydrology, topography, permit activities, and land use. Establishing compatibility among local, state, and federal databases should be explored.

7.8 The City of Eugene shall monitor changes to laws, regulations, definitions, and inventories and shall assess implications for the West Eugene Wetlands Plan.

7.9 The Plan shall be amended periodically to adjust to changing conditions.

7.10 The Plan shall be updated every seven to ten years and no later than the planning cycle required by the City of Eugene's Land Conservation and Development Commission Periodic Review schedule and DSL's requirements for comprehensive wetland plans.

7.11 The City shall prepare a map showing acceptable and prohibited fill disposal sites in the WEWP area.

Recommended Actions

7.1 The City should consider developing local regulations controlling fill and drainage activities in wetland areas of the City.

7.2 The City of Eugene should participate in the study of water diversion (via pipe or canal) from the Willamette River and Eugene Millrace to the Amazon to benefit water quality, aquatic habitat, wetlands hydrology and enhancement, flood control and recreation.

7.3 The City of Eugene should consider Amazon Creek improvements that would restore more natural stream conditions in or near Amazon Park, Westmoreland Park/Patterson School, and the Lane County Fairgrounds.

7.4 The City of Eugene, in cooperation with the Natural Resources Conservation Service and the U.S. Army Corps of Engineers, should study the feasibility of water control structures on the concrete-lined section of Amazon Creek between Jefferson Street and East 19th Avenue to improve water quality and quantity.

7.5 The City of Eugene should consider applying for water rights and/or claims to in-stream flow in the Willow Creek and Amazon basins for wetlands and water quality purposes.

7.6 The City of Eugene should consider regulations to require on-site stormwater detention, and other pre-treatment of storm run-off prior to discharge into storm systems or any wetland or wetland receiving stream in west Eugene in conjunction with the city-wide stormwater quality study.

7.7 The City of Eugene should consider stronger regulations in west Eugene to control erosion and sedimentation resulting from construction activities, and to require re-vegetation and rehabilitation of disturbed areas following construction.

7.8 The City of Eugene should address the effects of new information and changing conditions on the Plan and the wetlands system in the annual report.

7.9 The City should apply the stormwater planning policy of the Metropolitan Natural Resources Special Study (policy 6) to the west Eugene study area.

7.10 New wetlands information or site inventories shall be incorporated into the Plan when they become available.

7.11 Once agreement is reached by state and federal agencies on a uniform method for defining and determining wetlands:

a. Local elected officials will be notified within 30 days;
b. The Plan's inventory will be re-evaluated within 30 months; and
c. Plan amendments will be considered depending on the outcome of the inventory re-evaluation.

Appendices

APPENDIX A

Eugene Implementing Ordinances

The implementing ordinances for the West Eugene Wetlands Plan are shown below as excerpts from Chapter 9 of the Eugene Code, 1971. There are three implementing ordinances:

1. The Waterside Protection Subdistrict, Eugene Code 9.262
2. The Wetland Buffer Subdistrict, Eugene Code 9.264
3. The Natural Resources District, Eugene Code 9.300-9.306

1. Waterside Protection Subdistrict

9.262 Waterside Protection Provisions.

(1) Purpose. The primary objective of the Waterside Protection Sub-district is to protect water quality in designated rivers, channels, streams, riparian areas, wetlands, and upland headwater streams. This sub-district is also intended to protect wildlife habitat and prevent property damage from storms and floods.

The provisions of this sub-district are intended to implement policies in the Metropolitan Plan which call for protection of riparian vegetation, wetlands, waterways, wildlife habitat, and surface and ground water quality.

The waterside protection sub-district is also intended to maintain or enhance open space areas adjacent to water features. These open space areas are important because they contain native vegetation; convey, store, or improve the quality of urban stormwater runoff; provide habitat for wildlife and, where appropriate, can provide legally obtained access for channel maintenance. Uses and activities permitted in these areas are restricted in most cases to those that are consistent with the purpose of this sub-district. Where conflicting uses or activities must occur, site plan approval based upon conformance with specified natural resource special standards (from section 9.305) is required to minimize adverse impacts.

(2) Applicability. The waterside protection sub-district applies to streams, rivers, channels, ponds and other water features and adjacent areas specified for protection in an adopted plan.

(a) Specifically, this sub-district encompasses parcels any part of which contain or are within waterside protection areas as described in this section.

(b) The provisions of the waterside protection sub-district do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas.

(c) In some cases, the waterside protection sub-district may overlap with the Natural Resources (NR) district or the wetland buffer sub-district. In these cases, only one review process is required as follows:

1. Where the waterside protection sub-district and the NR district overlap, only the provisions of the NR district are applied.

2. Where the waterside protection sub-district and the wetland buffer sub-district overlap, only one site plan review process is required. This review will address the provisions of both subdistricts. The wetland buffer provisions will be applied to wetlands identified for protection in local plans and policies. The waterside protection provisions will be applied to any other water features on the lot that are mapped and identified for protection in an adopted plan, policy or inventory.

(d) Development within the waterside protection area shall be exempt from the setback provisions of this section if (1) the specific development is to be constructed upon fill that is authorized under an approved wetland fill permit from both the Oregon Division of State Lands and the U.S. Army Corps of Engineers, (2) the fill is consistent with the goals and policies of the West Eugene Wetlands Plan including the designations on Map 3 of the Plan, and (3) any mitigation requirements specified in the permits have been substantially satisfied.

(3) Waterside protection areas. Waterside protection areas consist of three component areas: the area within the channel banks, the setback area, and any riparian area which extends landward beyond the setback. Areas developed prior to adoption of this section of the code are excluded from waterside protection areas. For the purposes of this subsection, development means buildings and other substantial structures, including paved or gravel parking areas. For the purposes of this subsection, fences and landscaping are not sufficient to warrant exclusion for developed areas as described above. The three components of the waterside protection area are described and defined below:

(a) The area within the channel limits of a water feature (from top of high bank to top of high bank). For a given stream, river or channel, the top of the bank is the highest point at which the bank meets the grade of the surrounding topography. Characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of the high bank.

(b) Buffer setback areas measured horizontally from one of two physical features:

1. Where possible, the buffer setback is measured horizontally from the top of the high bank of the water feature, as defined above. Buffer setback distances measured from the top of the high bank are as follows:

MINIMUM BUFFER SETBACKS FROM TOP OF BANK

Water Feature	Buffer Setback
Perennial, within floodway	60 feet
Perennial, outside floodway	40 feet
Intermittent or seasonal	20 feet

2. If the top of the high bank is not identifiable, the buffer setbacks are measured horizontally from the line of ordinary high water. In a given stream, pond, or other water body, the line of ordinary high water is the line on the bank or shore to which seasonal high water rises annually. Identified in the field by physical characteristics that include one or more of the following: (a) a clear, natural line impressed on the bank, (b) changes in the characteristics of soil, (c) the presence of water borne litter and debris, (d) destruction of terrestrial vegetation. If reliable water level data are available for three or more consecutive previous years, the line of ordinary high water can be considered the mean of the highest water level for all years for which data is available. Buffer setback distances measured from the line of ordinary high water are as follows:

MINIMUM BUFFER SETBACKS FROM ORDINARY HIGH WATER LINE

Water Feature	Buffer Setback
Perennial, within floodway	75 feet
Perennial, outside floodway	50 feet
Intermittent or seasonal	25 feet

(c) Contiguous riparian areas which extend landward from the water feature beyond the buffer setback area, as defined in this sub-district.

1. Riparian habitat, riparian area. Lands adjacent to water features which contain primarily native vegetation including species that typically grow in wet areas (wet area species). For purposes of this code "wet area species" are those species listed as "facultative," "facultative wetland," or "obligate wetland" species in the most recent U.S. Fish and Wildlife Service "list of plant species that occur in wetlands" for the Eugene area. Where large forested areas adjoin a water feature, only that portion which contains wet area species is considered riparian.

2. The city shall maintain maps of regulated riparian areas, and make them available to the public. These maps will be used to identify the extent of the riparian area unless the applicant can demonstrate through detailed inventory information (including maps showing the location and species of vegetation growing in the disputed area) that the city's maps are in error.

(4) Conveyance of stormwater maintenance easement. Within the waterside protection area, the city shall have the authority to require conveyance of a maintenance access easement for any natural or human made stormwater facility as a condition of approval for any site review or conditional use permit. Maintenance access easements shall be parallel to the stream or channel and shall be of sufficient width to allow a 20 foot wide maintenance access road along one side of the stream or channel.

(5) Permitted uses. There are two categories of uses: those allowed by the parent district outside of the waterside protection area, and a more restrictive list allowed within the waterside protection area.

(a) Uses permitted or permitted conditionally in the parent district are permitted within this sub-district provided those uses are located outside waterside protection areas.

(b) Uses permitted outright. Within waterside protection areas, the following uses are permitted, subject to the "Prohibited practices" provisions in subsection (6) of this section:

1. Removal of refuse and unauthorized fill.

2. Removal of non-native or invasive plant species included on a list determined by the Planning Director and kept on file at the city.

3. Planting or replanting with native plants included on a list determined by the Planning Director and kept on file at the city.

4. Construction of channel maintenance access roads or path ways and channel maintenance practices used to maintain stormwater conveyance and flood control capacity as required by local policies, state and federal regulations, and intergovernmental agreements.

5. Removal of vegetation by non-chemical means within a strip not to exceed 15 feet wide where a publicly owned property within the waterside protection sub-district abuts private property that is not within a waterside protection area, only when deemed necessary by the public works director or designee to protect human health and safety or to prevent a nuisance.

(c) Uses permitted subject to site plan review. Within waterside protection areas, the following uses are permitted, subject to the "Prohibited practices" provisions in subsection (6) of this section and site plan approval based upon compliance with the natural resources special standards from section 9.305 listed with each use below:

1. Realignment and reconfiguration of channels and pond banks. (Subject to natural resources special standards (b), (c), (e) through (i) of section 9.305).

2. Construction of stormwater quality treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetlands, and ponds, and which do not include adding impervious surfaces. (Subject to natural resources special standards (b) through (i) of section 9.305).

3. Construction of public improvements (including but not limited to streets, sanitary and storm sewers, bridges, bikeways, pedestrian paths, maintenance access roads and public utilities) required by this code or specified in adopted plans. (Subject to natural resources special standards (b) through (j), (m) through (r), and (t) of section 9.305).

4. Maintenance of existing utility easements to maintain access and promote safety, and as required by local policies, state and federal regulations, and intergovernmental agreements. (Subject to natural resources special standards (b), (c), and (e) through (i) of section 9.305). Utility companies shall submit to the city a notice of easement maintenance activities within the waterside protection area describing the nature and extent of those activities 15 days prior to commencing those activities.

5. Wetland or riparian area enhancement, restoration or creation activities that are consistent with adopted plans and policies, including construction of stormwater quality treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetland, and ponds. (Subject to natural resources special standards (b) through (i) of section 9.305.)

(6) Prohibited practices. The following practices are prohibited within waterside protection areas, except as specifically approved through the exceptions process of this sub-district:

(a) Storage of chemical herbicides, pesticides or fertilizers or other hazardous or toxic materials.

(b) Dumping, piling or disposal of refuse.

(c) Dumping, piling disposing or composting of yard debris, fill, or other material except for (i) single family residential composting, which must be kept at least ten feet from the top of the bank of any water feature, and (ii) soils or soil amendments used for replanting in accordance with the provisions of this section.

(d) Construction of new septic drainfields.

(e) Channelizing or straightening natural drainageways.

(f) The following practices are prohibited unless they: (1) are directly

related to a use permitted in this zoning district, (2) address an imminent threat to public health and safety, or (3) result in enhancement of water quality, and enhancement or maintenance of stormwater conveyance capacity, flood control capacity, groundwater discharge and recharge capacity and wildlife habitat:

1. Filling
2. Grading
3. Excavating
4. Application of chemical herbicides, pesticides and fertilizers.

(7) Exceptions. Exceptions to the provisions of this sub-district for uses and development within waterside protection areas are permitted in accordance with the following provisions:

(a) Authority. The planning director or designee shall have the authority to grant exceptions to the provisions of this sub-district.

(b) Criteria. Exceptions will be granted only if the applicant clearly demonstrates in writing that:

1. The provisions of this sub-district in conjunction with other city regulations, and circumstances peculiar to the property not self-imposed by the applicant, would prohibit any viable economic use of the property; or
2. The waterside protection area as set forth in 9.262(3) occupies more than 33% of the area of a development site.

(c) Process. To determine the extent to which an exception is allowed under this section, the planning director or designee shall consider the following steps in the order listed:

1. Where practical, relax other setbacks in order to accommodate buffer setbacks as specified in this subsection.
2. If no economically viable use is feasible under (c)1., relax waterside protection sub-district requirements applicable to riparian areas (as defined in this section) outside buffer setback areas and require enhancement of riparian vegetation within the buffer setback area.
3. If no economically viable use is feasible under (c)1. or (c)2., reduce the buffer setback area to the minimum extent necessary to accommo date development, and require additional enhancement within the remaining buffer area, consistent with natural resources special standards (a) through (d) of section 9.305.
4. If no economically viable use is feasible under (c)1., (c)2. or (c)3., allow alteration of water feature(s) to the minimum extent necessary to accommodate development, but require restoration and enhancement of the affected water features via site plan approval based upon conformance with natural resources special standards (b) through (t) of section 9.305.

(8) Review process. Except when the applicant can clearly show that proposed development will not encroach into the waterside protection area, all development proposed within the waterside protection sub-district shall be reviewed in accordance with the site plan review procedure outlined in section 9.690. Site plan approval for development proposed within the waterside protection sub-district shall be based upon conformance with the natural resources special standards from section 9.305 specified with each use.

(9) Performance contract. Except when it can be clearly shown that proposed development will not encroach into the waterside protection area, performance contracts shall be

required for uses within the waterside protection sub-district that are subject to site review or conditional use approval. For uses subject to site review approval, performance contracts will be required in accordance with section 9.694. For uses subject to conditional use approval, performance contracts will be required in accordance with section 9.722.
(Section 9.262 was added by Ordinance No. 20006, enacted April 24, 1995, effective May 24, 1995; and amended by Ordinance No. 20028, enacted November 13, 1995, effective December 13, 1995.)

2. Wetland Buffer Subdistrict

9.264 Wetland Buffer Provisions.

(1) Purpose. The primary purpose of wetland buffers and setbacks is to maintain or improve water quality within protected wetland sites identified in the West Eugene Wetlands Plan. Secondary benefits of buffers and setbacks include creating open space between the resource and adjacent uses, helping to maintain or improve wildlife habitat values and wetland hydrology, protecting the aesthetic value of the site and minimizing property damage from floods.

The provisions of this sub-district are intended to implement policies in the Metro Plan which call for protection of wetlands, wildlife habitat, and surface and ground water quality. The provisions of this sub-district are also intended to address state and federal laws and policies which regulate development within jurisdictional wetlands to protect water quality, including applicable provisions of the Federal Clean Water Act and the State of Oregon's wetland laws.

The wetland buffer sub-district is also intended to maintain or enhance open space areas adjacent to wetlands identified for protection in the West Eugene Wetlands Plan. These open space areas are intended to contain native vegetation, and convey, store, or improve the quality of urban stormwater runoff, while providing habitat for wildlife. Uses and activities permitted in these areas are restricted in most cases to those that are consistent with the purpose of this subdistrict. Where conflicting uses or activities must occur, either conditional use permit or site plan approval based upon conformance with specified natural resources special standards of section 9.305 is required to minimize adverse impacts.

(2) Applicability. The wetland buffer sub-district applies to new development or redevelopment on lots or parcels which are adjacent to wetlands identified for protection in the West Eugene Wetlands Plan.

(a) Specifically, this sub-district encompasses lots or parcels any part of which contain or are within wetland buffer areas as described in this section. In some instances buffers will be required for new development even though existing adjacent developments have no buffer.

(b) The provisions of the wetland buffer sub-district do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas.

(c) In some cases, the wetland buffer sub-district may overlap with the NR natural resources district or the waterside protection sub-district. In these cases, only one review process is required as follows:

1. Where the wetland buffer sub-district and the NR district overlap, only the provisions of the NR district are applied.

2. Where the wetland buffer sub-district and the waterside protection sub-district are applied to the same tax lot, only one site plan review process is required. This review will address the provisions of both sub-districts. The wetland buffer provisions will be applied to wetlands identified for protection in local plans and policies. The waterside protection provisions will be applied to any other water features on the lot that are designated for protection in adopted plans, policies or inventories.

(d) Development within the wetland buffer area shall be exempt from the setback provisions of this section if (1) the specific development is to be constructed upon fill that is authorized under an approved wetland fill permit from both the Oregon Division of State Lands and the U.S. Army Corps of Engineers, (2) the fill is consistent with the goals and policies of the West Eugene Wetlands Plan including the

designations on Map 3 of the Plan, and (3) any mitigation requirements specified in the permits have been substantially satisfied.

(3) Wetland buffer areas. Wetland buffer areas shall consist of the area between the jurisdictional wetland boundary accepted by the Oregon Division of State Land and the U.S. Army Corps of Engineers and the wetland buffer setback line as specified in this subsection. Standard wetland buffer setback distances are determined by the value category of the adjacent wetland, and whether or not the buffer setback area is enhanced. Wetland value categories are defined according to the criteria contained in the West Eugene Wetlands Plan. Areas developed prior to adoption of this section of the code are excluded from wetland buffer areas. For purposes of this subsection, development means buildings and other substantial structures, including paved or gravel parking areas. For the purposes of this subsection, fences and landscaping are not sufficient to warrant exclusion of developed areas as described above.

(a) Wetland value categories. Three wetland value categories shall be used for applying setbacks, buffer requirements and other protection measures applied to wetlands designated for protection in the West Eugene Wetlands Plan (protected wetlands). The three categories are: high value wetlands, moderate value wetlands and low value wetlands. A list of protected wetland sites indicating the wetland value category of each is included in the West Eugene Wetlands Plan.

(b) Standard wetland buffer setback distances. Standard wetland buffer setback distances are measured horizontally from jurisdictional wetland boundaries accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers. Wetland buffer setbacks are of two types: Type I, in which no enhancements are required within the setback area, and Type II, in which vegetative and stormwater quality enhancements are required. Property owners shall have the choice of whether the Type I or Type II buffer setback is applied to their property, unless a Type I buffer setback would preclude any economically viable use of a parcel. In those cases, a Type II buffer setback would be applied. Standard wetland buffer setback distances are as follows:

1. High value wetlands shall have a Type I setback of 100 feet with no site enhancements; or a Type II setback of 50 feet meeting vegetative, stormwater, and other enhancement standards as specified in natural resources special standards (a) through (d) of section 9.305.

2. Moderate value wetlands shall have a Type I setback of 50 feet with no site enhancements; or a Type II setback of 25 feet meeting vegetative, stormwater, and other enhancement standards as specified in natural resources special standards (a) through (d) of section 9.305.

3. Lower value (mitigation/enhancement) wetlands. Disturbed agricultural wetlands designated for enhancement or mitigation in the West Eugene Wetlands Plan shall not have a buffer setback outside the wetland boundary.

(c) Buffer reduction for low intensity uses. A 10% reduction from the standard buffer setback distances shall be allowed when the adjoining use is one of the following: low density residential, public parks and open space, or agriculture.

(4) Permitted uses. Within the wetland buffer sub-district, there are two categories of uses: those allowed by the parent district outside of the wetland buffer area, and a more restrictive list allowed within the wetland buffer area.

(a) Outside wetland buffer areas. The uses permitted in this sub district are the same as those permitted in the parent district.

(b) Within wetland buffer areas:

1. Uses permitted outright. Within wetland buffer areas, the following uses are permitted outright:

a. Removal of refuse and unauthorized fill.

b. Removal of non-native or invasive plant species included on a list determined by the Planning Director and kept on file at the city.

c. Replanting with native plant species included on a list determined by the Planning Director and kept on file at the city.

d. Channel maintenance to maintain stormwater conveyance and flood control capacity as required by local policies, state and federal regulations, and intergovernmental agreements.

e. Maintenance of existing utility easements to maintain access and promote safety, and as required by local policies, state and federal regulations, and intergovernmental agreements.

2. Uses permitted subject to site plan review. Within wetland buffer areas, the following uses are permitted, subject to site plan approval based upon compliance with the natural resources special standards from section 9.305 listed with each use. Where required, site plan approval must be secured prior to the application for a building permit for development within the wetland buffer sub-district. Uses permitted subject to site plan review are:

a. Wetland or riparian area enhancement, restoration or creation activities that are consistent with adopted plans and policies, including:

(i) Construction of stormwater quality treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetlands, and ponds, and which do not include adding impervious surfaces. (Subject to natural re sources special standards (b) through (i) of section 9.305).

(ii) Impervious surfaces or topographic changes. (Subject to natural resources special standards (b) through (i) of section 9.305).

b. Construction of trails and pathways, boardwalks, viewing platforms, interpretive information kiosks and trail signs. (Subject to natural resources special standards (i) through (m) and (o) through (q) of section 9.305.)

c. Restoration and enhancement of natural functions and values which involve displacement, excavation or relocation of more than 50 cubic yards of earth and which carry out the objectives of this district, including realignment and reconfiguration of channels and pond banks, but not including deliberate creation of new wetlands or restoration of former wetlands. (Subject to natural resources special standards (b) through (i) of section 9.305.)

d. Construction of stormwater quality treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetlands, and ponds, and which do not include adding impervious surfaces. (Subject to natural resources special standards (b) through (i) of section 9.305.)

e. Construction of access roads for maintenance of channels, wetlands and other natural resource areas. (Subject to natural resources special standards (b) through (f), (h), (i), and (o) of section 9.305.)

f. Bikeways and other paved pathways. (Subject to natural resources special standards (b), (e), (f), (h), (i), and (o) through (r) of section 9.305.)

3. Uses permitted conditionally. In the wetland buffer subdistrict, the uses below are permitted conditionally. Conditional use permit approval shall be based upon conformance with natural resource special standards (b) through (t) of section 9.305, in addition to the conditional use criteria contained in section 9.702.

a. Nature interpretive centers, when specified in or consistent with adopted plans or policies.

b. Maintenance facilities for storage of equipment and materials used exclusively for maintenance and management of wetlands and natural areas.

(5) Prohibited practices. Practices that are not specifically allowed under this section, and that would adversely affect water quality or damage wildlife habitat, are prohibited within the wetland buffer areas, including, but not limited to, the following:

(a) Storage of chemical herbicides, pesticides or fertilizers or other hazardous or toxic materials.

(b) Deposition or dumping of any material imported from off-site, except for soils or soil amendments used for replanting in accordance with provisions of this section.

(c) Construction of new septic drainfields.

(d) Channelizing or straightening natural drainageways.

(e) Removal or destruction of rare, threatened or endangered plant species is restricted, unless a recovery plan is submitted by the applicant and adopted by the city, following review by the Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.

(f) Filling, grading, excavating, deposition of soils imported from off-site, and application of chemical herbicides, pesticides and fertilizers are prohibited unless they: (1) are directly related to a use permitted in this zoning district, (2) address an imminent threat to public health and safety, or (3) result in enhancement of water quality, and enhancement or maintenance of stormwater conveyance capacity, flood control capacity, groundwater discharge and recharge capacity and wildlife habitat.

(6) Review process. All development proposed within the wetland buffer sub-district shall be reviewed in accordance with the site plan review procedure in section 9.690 of this code, except when the applicant can clearly show that proposed development will occur completely outside of the largest applicable wetland buffer area. Site plan approval for development proposed within the wetland buffer sub-district shall be based upon conformance with the natural resources special standards from section 9.305 listed with each use.

(7) Exceptions. The planning director or designee shall have the authority to grant exceptions to the standard setback distances and permitted uses within wetland buffer areas in accordance with the following provisions.

(a) Criteria. Exceptions will be granted only if the applicant demonstrates in writing that:

1. Through a combination of buffer enhancements and site design alterations that a smaller buffer setback distance can provide protection to the resource which is equal to or better than that provided by the standard buffers specified above, including, but not limited to meeting or exceeding natural resource special standards (a) through (d) of section 9.305; or

2. No economically viable use allowed within the parent district could occur as a result of the application of these setback and buffer provisions, and that this circumstance is not purposefully brought about by any deliberate action of the owner or developer of the property;

An exception shall be granted by the planning director in these cases, and type II buffers of less than 50 feet are permitted on high value wetlands and type II buffers of less than 25 feet are permitted on moderate value wetlands. Setbacks around high value wetlands shall not be less than 25 feet in any case.

(b) Buffer averaging. Wherever practical, reductions in buffer distance from the standard buffer setback distances due to approved exceptions shall be accomplished through averaging the buffer distance on a site. Averaging means that when the buffer setback is reduced in one location, it is expanded somewhere else in compensation so that the total buffer area remains the same.

1. Wherever practical, reductions in buffer distance due to approved exceptions will occur adjacent to lower value or less sensitive areas within a given wetland site and expansion of the buffer in compensation will occur adjacent to higher value or more sensitive areas within a given wetland site.

2. To the extent practical, wherever buffers are reduced from the standard setbacks along channel sites or other linear sites, buffers shall be increased on the opposite bank of the channel across from the area where the reduction is allowed.

(c) Reductions to other standards. The planning director shall have the authority to reduce other setbacks and landscape requirements as contained in this code on properties where wetland buffer setbacks are required.

(d) Applicable standards. All construction, vegetation removal and earth moving that takes place inside standard wetland buffer setback areas as approved through this exception process shall conform to natural resources special standards (b) through (t) of section 9.305.

(e) Submittal requirements for exceptions. Any applicant requesting an exception shall submit additional materials and information, as prescribed by the city.

(8) Performance contract. Except when it can be clearly shown that proposed development will not encroach into the wetland buffer area, performance contracts shall be required for uses within the wetland buffer sub-district that are subject to site review or conditional use approval. For uses subject to site review approval, performance contracts will be required in accordance with section 9.694. For uses subject to conditional use approval, performance contracts will be required in accordance with section 9.722.

(9) Miscellaneous provisions.

(a) Type I buffer setbacks that are not enhanced by the owner or developer may be enhanced in cooperation with the owner(s) by government or other non-profit agencies or organizations as part of demonstration projects, habitat management or other programs that are consistent with adopted plans or policies.

(b) To the extent practical, in residential zones, density transfers shall be

used to offset restrictions on building within buffer setback areas. A density transfer is an allowance within a given parcel or development site under one ownership to increase the density beyond the normal code limits, in compensation for a reduction elsewhere on the site required or caused by local regulations.
(Section 9.264 was added by Ordinance No.20006, enacted April 24, 1995, effective May 24, 1995; and amended by Ordinance No. 20028, enacted November 13, 1995, effective December 13, 1995.)

3. Natural Resource District

9.300 Natural Resource District.

(1) Description and purpose. The NR Natural Resource District (NR district) is primarily intended to protect water quality, native vegetation and wildlife habitat within locally outstanding natural resource areas identified in adopted plans.

The provisions of this district are intended to implement policies in the Metro Plan which call for protection of native vegetation, wetlands, waterways, wildlife habitat, rare plants and surface and ground water quality. The NR district is also intended to address state and federal laws and policies which regulate development within jurisdictional wetlands to protect water quality, including applicable provisions of the Federal Clean Water Act and the State of Oregon's wetland laws.

The natural functions and values intended to be protected by this district include: floodwater storage, floodwater conveyance, sediment control, erosion control, pollution control, fish and wildlife habitat, aquifer recharge, water supply, native plant communities, and habitat for rare, threatened or endangered plant and animal species. It is recognized that not all sites will exhibit all of these functions and values.

(2) Applicability. The NR district applies to wetlands, water features and other natural areas that are designated as "wetlands to be protected" or "wetlands to be enhanced for mitigation credit" on Map 3 of the adopted West Eugene Wetlands Plan and acquired by a public agency or non-profit conservation organization.

(a) The provisions of the NR district do not exempt a person or property from state or federal laws and regulations that protect water quality, wetlands, or other natural areas.

(b) In some cases, the NR district may overlap with the wetland buffer sub-district or the waterside protection sub-district. In these cases, only one review process is required as follows:

1. Where the NR district and the wetland buffer sub-district overlap, only the provisions of the NR district are applied.

2. Where the NR district and the waterside protection sub district overlap, only the provisions of the NR district are applied.

(Section 9.300 added by Ordinance No. 20006, enacted April 24, 1995, effective May 24, 1995.)

9.301 Uses Permitted Outright. In the NR district the following uses are permitted:

(a) Removal of refuse and any fill that is in violation of local, state or federal regulations. Removal of fill must be consistent with State of Oregon Removal-Fill regulations.

(b) Removal of non-native or invasive plant species included on a list determined by the Planning Director and kept on file at the city.

(c) Replanting with native plants included on a list determined by the Planning Director and kept on file at the city.

(d) Site management and maintenance practices, whose purpose is to maintain or improve natural functions and values or protect public health and safety, and which are consistent with adopted plans and polices, including but not limited to the following:

1. Removal of vegetation by non-chemical means within a strip not to exceed 15 feet wide where a property zoned NR district abuts private property in any other zoning district, only when deemed necessary by the public works director or designee to protect human health and safety or to

prevent a nuisance.

(e) Other wetland and natural area restoration and enhancement of natural functions and values, which involve displacement, excavation or relocation of less than 50 cubic yards of earth, and which carry out the objectives of this district and are consistent with adopted plans and policies.

(f) Channel maintenance to maintain stormwater conveyance and flood control capacity as required by local policies, state and federal regulations, or inter governmental agreements.

(Section 9.301 was added by Ordinance No.20006, enacted April 24, 1995, effective May 24, 1995.)

9.302 Uses Permitted Subject to Site Plan Review. The following uses are permitted within the NR district, and are subject to the site plan review process outlined in section 9.690. For these uses, site plan approval based upon compliance with specified natural resource special standards from section 9.305 must be secured prior to the application for a building permit for development within the NR district. The natural resource special standards specified with each use shall be applied as criteria for site plan approval for these uses.

(a) Construction of trails, boardwalks, viewing platforms, interpretive information kiosks and trail signs. (Subject to natural resource special standards (i) through (m) and (o) through (q) of section 9.305.)

(b) Restoration and enhancement of natural functions and values which involve displacement, excavation or relocation of more than 50 cubic yards of earth and which carry out the objectives of this district, including realignment and reconfiguration of channels and pond banks. (Subject to natural resource special standards (b) through (i) of section 9.305.)

(c) Construction of stormwater quality treatment facilities that use biofiltration methods, such as shallow grassy swales, constructed wetlands, and ponds, and which do not include adding impervious surfaces. (Subject to natural resource special standards (b) through (i) of section 9.305.)

1. Grassy swales are shallow ditches lined with grass for the purpose of filtering of sediments and other pollutants from stormwater runoff.

2. Constructed wetlands are wetlands which are created where no wetland characteristics existed previously.

(d) Construction of access roads for maintenance of channels, wetlands and other natural resource areas. (Subject to natural resources special standards (b) through (f), (h), (i), and (o) of section 9.305.)

(e) Bikeways and other paved pathways. (Subject to natural resources special standards (b), (e), (f), (h), (i), and (o) through (r) of section 9.305.)

(Section 9.302 was added by Ordinance No.20006, enacted April 24, 1995, effective May 24, 1995.)

9.303 Uses Permitted Conditionally. In the NR district, the uses below are permitted conditionally. Conditional use permit approval shall be based upon conformance with natural resource special standards (b) through (t) of section 9.305, in addition to the conditional use criteria in section 9.702:

(a) Nature interpretive centers and wetland research facilities, when specified in or consistent with adopted plans or policies.

(b) Maintenance facilities for storage of equipment and materials used exclusively for maintenance of wetlands and other natural resource areas.

(Section 9.303 was added by Ordinance No.20006, enacted April 24, 1995, effective May 24, 1995.)

9.304 Performance Contract. Performance contracts shall be required for uses within the NR district that are subject to site review or conditional use approval. For uses subject to site review approval, performance contracts will be required in accordance with section 9.694. For uses subject to conditional use approval, performance contracts will be required in accordance with section 9.722.
(Section 9.304 was added by Ordinance No. 20006, enacted April 24, 1995, effective May 24, 1995.)

9.305 Natural Resources Special Standards. The following standards are applied to activities and uses permitted within the NR district as specified under "Permitted Uses", "Uses Permitted Subject to Site Plan Review" and "Uses Permitted Conditionally". Not all of the following standards will be applied to all uses. These standards are also applied to parcels within the waterside protection sub-district and the wetland buffer sub-district, as specified in the sections of this code which apply to those sub-districts.

(a) Buffer enhancements.

1. Plantings shall be conducted on reduced buffers in conformance with the vegetation removal and planting and replanting standards below as well as the following:

a. Reduced buffer areas shall be planted with appropriate native tree, shrub and grass or other non-woody species to increase to the greatest extent practical the capacity of the area to filter pollutants from stormwater which flows across the buffer area. Where existing native vegetation already serves this function, new plantings will augment those already existing, unless the applicant can clearly demonstrate that additional plantings will not improve the filtering capacity of the buffer area.

b. Plantings shall be done with species native to the southern Willamette Valley from a native plant list determined by the planning director, which are appropriate to the site given its topography, hydrology, soil, existing native vegetation and historic native vegetation as determined by the planning director or designee.

c. Plantings shall not adversely affect adjacent protected wetlands through invasion or other effects.

2. All refuse, toxic materials and any fill brought in from outside the site after August 8, 1993 must be removed from the buffer area.

3. Where practical, finished grades shall encourage sheet flow of stormwater runoff across buffer areas to maximize filtering and infiltration of stormwater runoff within buffer areas.

4. On sites where the slope within the wetland buffer area exceeds 15%, measures (e.g., planting and contouring) shall be taken to slow the flow of stormwater runoff to the maximum extent practical.

5. Non-native plants shall be removed to the maximum extent practical and replaced with native species.

6. Buffer enhancement work shall be completed prior to or concurrent with other site development, unless appropriate native species are not available within that time frame.

(b) Vegetation removal.

1. Vegetation removal is limited to removal of:

a. Non-native and invasive plant species included on a list determined by the planning director and kept on file at the city;

b. Dead or dying trees or shrubs that are an imminent danger to public health and safety as determined by the planning director or designee. Removal shall only be authorized after all other reasonable alternatives have been examined and proven impractical, and if the removal represents the minimum necessary to meet the objectives of the proposed use;

c. Dead or dried native plants or grasses only when they constitute an imminent fire hazard, as determined by the fire marshal;

d. Native vegetation to facilitate or encourage the growth of other native species as called for in adopted plans or policies;

e. The minimum area of native vegetation necessary for approved uses or conditional uses or uses allowed by an exception as specified in sections 9.262 and 9.264.

2. Removal of vegetation for development of permitted uses, approved conditional uses, or development allowed by an exception as specified in sections 9.262 and 9.264, shall be the minimum necessary for the proposed use.

3. Clearing of more than 0.1 contiguous acre of vegetation on slopes greater than 5% must be either:

a. Conducted between April 15 and October 15, or

b. Preceded by approval of an erosion and sedimentation control plan by the planning director, which must be implemented throughout the clearing process.

4. Clearing of vegetation that is not in preparation for development must be followed by replanting in accordance with the requirements of this section.

5. Removal or destruction of rare, threatened or endangered plant species is restricted (see Prohibited practices provisions of the NR district, WB wetland buffer sub-district and WP waterside protection sub-district.)

(c) Planting and replanting.

1. Replanting of areas cleared of existing vegetation as required in this section must be conducted within 90 days following the removal or clearing, unless otherwise approved by the planning director.

2. Planting and replanting with seed shall be timed so that germination occurs prior to November 15, unless the germination requirements of the seed require otherwise, in which case germination shall be accomplished at the earliest date practical.

3. Planting and replanting shall be done with native species from a list determined by the planning director and kept on file at the city.

(d) Stormwater drainage.

1. Stormwater runoff that is discharged into protected wetlands or water bodies from parking lots, streets, and other impervious areas bearing motorized vehicle traffic or machinery shall be treated on site, prior to dis charge into waters of the state to maintain or improve water quality. Treatment may include infiltration devices, grassy swales, treatment ponds or other approved methods.

2. Runoff from impervious areas used for repair, cleaning, refueling or servicing of vehicles or machinery shall be treated on site to remove oil, grease and other chemicals.

3. New development shall utilize measures to limit post construction runoff rate, timing and volume to pre-development levels to the maximum extent practical. These measures may include on-site detention or retention ponds, infiltration areas or other approved measures.

4. Porous paving treatments shall be used where practical. As used here, the term "porous paving" refers to recognized systems utilizing paving blocks (e.g., "grasscrete"). For the purposes of this provision, gravel surfaces are not acceptable.

(e) Impervious surfaces.

1. Impervious surfaces are prohibited unless they are part of a permitted use or approved conditional use.

2. Impervious surfaces that are necessary for permitted uses or approved conditional uses must be no larger than the minimum necessary for the proposed use and must be located as far from wetlands and water features as practical.

(f) Construction practices.

1. Within the NR district and wetland buffer areas, construction or other use of heavy machinery is prohibited as described below. Heavy machinery is defined as motorized or mechanized machinery or equipment capable of deliberately or inadvertently damaging vegetation, compacting soil, moving earth or causing excessive noise or heavy vibrations through its use. Use of heavy machinery is prohibited:

a. Between February 20 and June 30 within 300 feet of any significant waterfowl nesting areas identified in adopted plans or policies or by the Oregon Department of Fish and Wildlife.

b. Between May 1 and August 30 within 300 feet of any significant shorebird and wading bird nesting areas identified in adopted plans or policies or by the Oregon Department of Fish and Wildlife.

2. Stockpiles or storage of wood and other building materials or machinery are prohibited within wetland boundaries, wetland buffer areas and waterside protection areas.

3. Petroleum products, chemicals, sediment, eroded soil or other deleterious materials used in the construction process shall not be allowed to enter the water or wetland during construction.

4. Use of heavy equipment or machinery shall be the minimum necessary for the use or activity and shall be restricted to those areas where it is necessary.

(g) Landlord character. Grading and excavating conducted as part of restoration or enhancement projects, and bank and channel reconfiguration must result in topography that resembles the natural undulations, meanders and slopes found in landscapes shaped only by natural processes. For the purposes of this standard, straight lines and geometric or angular shapes are not acceptable. Channel and stream bank slopes shall not exceed 25%.

(h) Filling, grading and excavating. These activities shall occur between April 15 and October 15, unless the planning director authorizes an exception based on dry weather conditions or overriding public need. Exceptions granted for reasons other than dry weather conditions shall require approval of an erosion and sedimentation control plan by the planning director prior to commencement of earth moving activities, and this plan must be implemented throughout the activity.

(i) Disposal sites. Waste materials, brush and spoils from clean-up operations or excavation shall be placed outside wetland boundaries, wetland buffer areas and other natural areas designated for protection in an adopted plan or policy.

(j) Structure color.

1. Within the NR district and within wetland buffer areas, all finished structures must be in natural earth tone colors, unless otherwise required by local, state or federal law or regulation.

2. Within waterside protection areas, all finished structures or building facades which face a class A or B stream or pond must be in natural earth tone colors, unless otherwise required by local, state or federal law or regulation.

(k) Boardwalks, viewing platforms, interpretive information kiosks, trail and interpretive signs. Construction of these structures shall involve the least removal of native vegetation practical. Signs shall be no more than five feet tall, and 16 square feet per face in surface area, except for signs intended to be read from moving automobiles, such as site entrance signs, which shall be no more than eight feet tall and 32 square feet per face in surface area. Kiosks shall be no more than eight feet tall and 16 square feet per face in surface area.

(l) Trails. Trails shall be constructed of gravel, wood chips or soil, unless otherwise approved by the planning director. Trail construction shall involve the least removal of native vegetation practical and shall involve the least amount of fill or excavation practical.

(m) Building height. Building height is limited to 30 feet or the height limit of the parent district, whichever is less. If there is no specified height limit in the parent district, building height shall be limited to 30 feet.

(n) Noise. For inventoried sites that received a Wildlife Habitat Rating of greater than 60 in the Metropolitan Natural Resources Inventory (Lev, 1990) and sites designated as high value wetlands in the wetland buffer provisions of this code, noise generated by uses within the NR district and the wetland buffer sub-district (as measured at the wetland boundary) and within the waterside protection sub-district (as measured at the top of the high bank) shall not exceed the standards for residential properties specified in section 9.644.

(o) Stream and channel crossings. Bridges or other structures that cross water features must be constructed so that water flow, vegetation growth and movement of aquatic animals and water dependent wildlife are impeded to the least extent practical. To meet this standard, bridges and crossings shall include, but are not limited to, applicable items from the following list:

1. Crossings must utilize bridges or natural substrate culverts where possible.

2. Culverts must not substantially increase or decrease water depth or flow rate conditions.

3. Bridges and culverts shall be constructed so that there is at least three feet clearance between the ordinary high water mark and the underside of the bridge or culvert.

4. The lower lip of any culvert must meet the stream or channel bed at grade.

5. Culverts shall be the minimum length practical.

(p) Lighting. Area lighting must be aimed away from resource areas where possible, and otherwise must be aimed such that light shining on natural resource areas is minimized to the maximum extent practical. Area lighting is outdoor lighting designed to illuminate an activity area, trail or bicycle path.

(q) Public access. Access for the general public must be consistent with adopted policies or plans which address public access on specific sites.

(r) Location of structures. New buildings, roads and other new impervious surfaces associated with interpretive centers or wetland maintenance facilities shall be located outside boundaries of wetlands identified for protection in adopted plans and policies to the maximum extent practical.

(s) Mitigation site buffers. When low value wetland sites within the NR district are restored or enhanced for mitigation credit, a 25 foot buffer shall be maintained around the perimeter of the mitigation area, but within the jurisdictional wetland boundary. All provisions for permitted uses, conditionally permitted uses, prohibited practices and applicable special standards that apply to wetland buffer areas as specified in section 9.264 shall apply to mitigation site buffers.

(t) Site layout. High activity areas, including traffic lanes, loading docks, and group gathering areas must be located as far away from wetlands, water features and other protected natural areas as is practical.

(Section 9.305 was added by Ordinance No.20006, enacted April 24, 1995, effective May 25, 1995.)

9.306 Prohibited Practices. Practices that are not specifically allowed under sections 9.301, 9.302 or 9.303, and that would adversely affect water quality or damage wildlife habitat, are prohibited within the NR district, including, but not limited to, the following:

(a) Storage of chemical herbicides, pesticides or fertilizers or other hazardous or toxic materials.

(b) Deposition or dumping of any material imported from off-site, except for soils or soil amendments used for replanting in accordance with provisions of this section.

(c) Construction of new septic drainfields.

(d) Channelizing or straightening natural drainageways.

(e) Off-road operation of vehicles, except for those employed in site restoration or site maintenance practices during the dry season and bicycles when used on designated trails.

(f) Removal or destruction of rare, threatened or endangered plant species unless a recovery plan is submitted by the applicant and adopted by the city, following review by the Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.

(g) Filling, grading, excavating, deposition of soils imported from off site, and application of chemical herbicides, pesticides and fertilizers are prohibited unless they:

1. Are directly related to a use permitted in this zoning district,
2. Address an imminent threat to public health and safety, or
3. Result in enhancement of water quality, and enhancement or maintenance of stormwater conveyance capacity, flood control capacity, groundwater discharge and recharge capacity and wildlife habitat.

(Section 9.306 was added by Ordinance No. 20006, enacted April 24, 1995, effective May 24, 1995.)

APPENDIX B

Wetland Value Criteria

The following criteria shall be used to determine wetland value categories for applying setbacks, buffer requirements and other protection measures applied to wetlands designated for protection on Wetland Designations Map (Map 3).

High value wetland sites must meet at least five out of the following seven criteria:

a. site is relatively undisturbed
b. site contains rare plant species, *Deschampsia cespitosa*, or other unique and diverse plant communities
c. site is large or is contiguous with another wetland or waterway
d. site is actually or potentially part of a connected wetland system
e. site contains a locally significant or rare habitat type
f. site received a Wetland Evaluation Technique rating of 50 or greater
g. site received a Wildlife Habitat Assessment rating of 60 or greater

High value wetlands to be protected include: A4a, A4d, A4e, C2, C3a, E2a, H1, and H2 (portion).

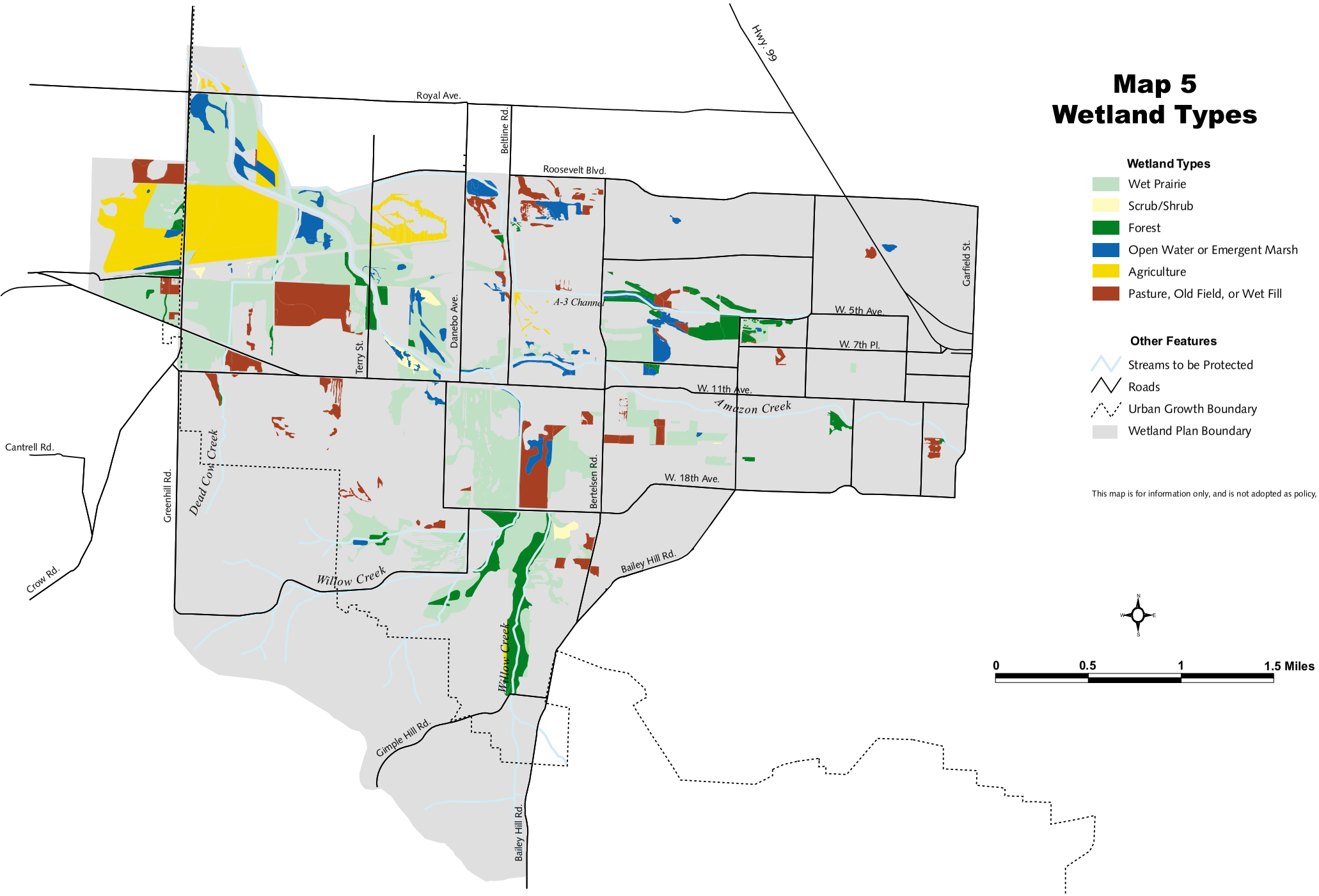
Moderate value wetland sites are all those sites that do not fit under the High Value or Low Value categories.

Moderate value wetlands to be protected include: A1a, A1b, A2a (portion), A2b, A2c, A2e, A3a, A5, B1, B2, B4, B5, B7 (portion), C4, C5, C6c-e, DB (portion), EE, EF (portion), E2c, E2d, E2e, HC (portion), H3, HE (portion), HG (portion), IA, and IB.

Wetland sites with no buffer requirements include all wetland sites designated for Restoration on Map 3 of the West Eugene Wetlands Plan.

These wetlands include: A3a (portion), A3b, BA, B3, B6, B7, B8, B9, B10, E1a-b, H2 (portion), and HG (portion).

Map 5
Wetland Types



APPENDIX C

BEST MANAGEMENT PRACTICES

"Best management practices" (BMP's) should be applied to construction and development within natural resource buffer setbacks and wetlands. BMP's should include construction site practices to minimize water quality impacts, noise impacts, disruption of wildlife mating and nesting, and to protect other important functions and values. These practices may include:

- requiring a temporary erosion control and sedimentation plan during construction
- requiring on-site detention or retention of stormwater (e.g., constructed wetlands, wet ponds, extended detention ponds, infiltrations basins) to minimize impacts from new development
- requiring use of shallow grassy swales to carry runoff into the stormwater system
- requiring use of oil and grease separators where street runoff enters mitigation areas
- requiring use of porous pavement in parking areas
- using and creating vegetated areas to filter runoff from impervious surfaces resulting from development.
- limiting post-development runoff to pre-development levels

APPENDIX D

Amending the West Eugene Wetlands Plan

A description of the process for amending the West Eugene Wetlands Plan follows. This description is intended to be both a record of the process followed in the past, and a guideline for the process for future major, city-initiated amendments to the Plan. As this provides a guideline, rather than policy, whether these guidelines are followed depends upon availability of staff and other resources and other city policies in place at the time of the amendments.

The West Eugene Wetlands Plan is a refinement plan of the Metropolitan Area General Plan. The process requirements for amending a refinement plan are set forth in Chapter 9 of the Eugene Code, 1971, in the section on Refinement Plan Amendments. The code sets forth minimum requirements for public notification, public hearings and related actions. Some of the steps taken for the amendments to the West Eugene Wetlands Plan exceed the requirements of the code and are noted as such.

WEWP Amendment Process–Chronological Order

1. Develop draft staff recommendations for amendments.

2. Send out notification regarding draft amendments and public workshop to potential affected property owners and all those on existing and previous West Eugene Wetlands interest parties list (not required by code).

3. Hold public workshop to present staff recommendations and gather feedback (not required by code).

4. West Eugene Wetlands Technical Advisory Committee (TAC)[1] review of staff recommendations (not required by code).

5. Incorporate public and TAC comments into revised staff recommendations to be forwarded to Eugene and Lane County Planning Commissions (not required by code)

6. Send formal notification of Planning Commission joint public hearing to affected and adjacent property owners and all those on West Eugene Wetlands interested parties list.

7. Hold work sessions with each Planning Commission to brief them on amendments.

8. Hold public hearing, hold record open two weeks past public hearing for additional written comments (not required by code).

9. Staff prepares written responses to public testimony and prepares recommended changes (if any) to respond to testimony (not required by code).

10. Planning Commissions meet separately to deliberate and take action.

11. Interested parties are notified by mail of Planning Commission decisions.

12. Formal notification of joint elected official hearing is sent to affected and adjacent owners and interested parties.

13. Staff holds work sessions with Lane County Board of Commissioners and Eugene City Council to brief them about the amendments.

[1]The TAC is made up of staff representatives from the Oregon Division of State Lands, Oregon Department of Environmental Quality, U.S. Army Corps of Engineeers, U.S. Fish and Wildlife Serviode, and U.S. Environmental Protection Agency.

14. Joint elected official public hearing is held.

15. County Board and City Council meet separately to deliberate and take action.

APPENDIX E

WEWP Capital Improvement Program

This section describes a programmed approach to implementing WEWP, including acquisition of wetlands for protection, acquisition for mitigation and other public projects, such as bikeways, observation points and channel improvements.

The following tables list the proposed projects for land acquisition, wetland mitigation and restoration, and public facility projects. Table 2, West Eugene Wetlands Study Area Land Acquisition Priorities and Costs, indicates acquisition projects in three priority phases over a 10 to 20 year period. A total of 1,300 acres are to be acquired within the West Eugene Wetlands Study Area. The proposed acquisition areas are presented on Map 5, Land Acquisition Priorities. In addition, there are an estimated 2,200 acres which are potentially suitable for acquisition in the Western Amazon Drainage Basin. Acquisition policies for this area are described in the section entitled "Western Amazon Drainage Basin" on page 22 of this Plan.

Table 3, Wetland Mitigation Projects, indicates wetland enhancement, restoration, and creation projects (many of which will qualify for mitigation credits in the regional wetlands mitigation bank). The Plan recommends a variety of wetland types and habitats be enhanced, restored, and created such as shallow ponds, marshes, wet prairie grasslands, riparian areas, and forested wetlands. Cost estimates for these projects include design, engineering, construction, and original planting costs. Areas for mitigation or restoration are presented on Map 3, Wetland Designations.

The final table in this appendix, Table 4, Public Facility Projects, lists public facility projects proposed for the study area. Types of projects in this category include public observation points, channel improvements, flood detention impoundments, and water quality improvements. Projects are to be planned and designed in concert with natural resource goals to minimize negative environmental impacts. Projects in this table are presented by project number on Map 6, Public Facility Projects.

Table 2

West Eugene Wetlands Study Area
Land Acquisition Priorities and Costs

Priorities	Schedule	Acres	*Cost ($)	Map 5 Color	Comments
1	1-3 years	900	$900,000	Yellow	Priority 1 acquisition areas represent both high value wetland sites and the adjoining areas along Amazon Creek, the A3 Channel and Willow Creek that are essential in providing a continuous wetland corridor.
2	4-6 years	150	$150,000	Red	Priority 2 acquisition areas represent both moderate value wetlands located on the western fringe of the study area and non-wetland areas that provide important linkages along Amazon Creek and the A-3 Channel.
3	7-10 years	250	$250,000	Blue	Priority 3 acquisition areas are the remaining fringe areas within the Amazon Creek drainage basin.

Table 3

Wetland Mitigation*

(The areas for wetland mitigation are indicated on Map 3, Conceptual Plan)

Priority	Acres	Estimated Cost/Acre	Estimated Total Cost
1 (1-3 years)	300	$10,800	$3.3 million
2 (4-6 years)	300	$13,650	$4.1 million
3 (7-10 years)	267	$17,000	$4.5 million

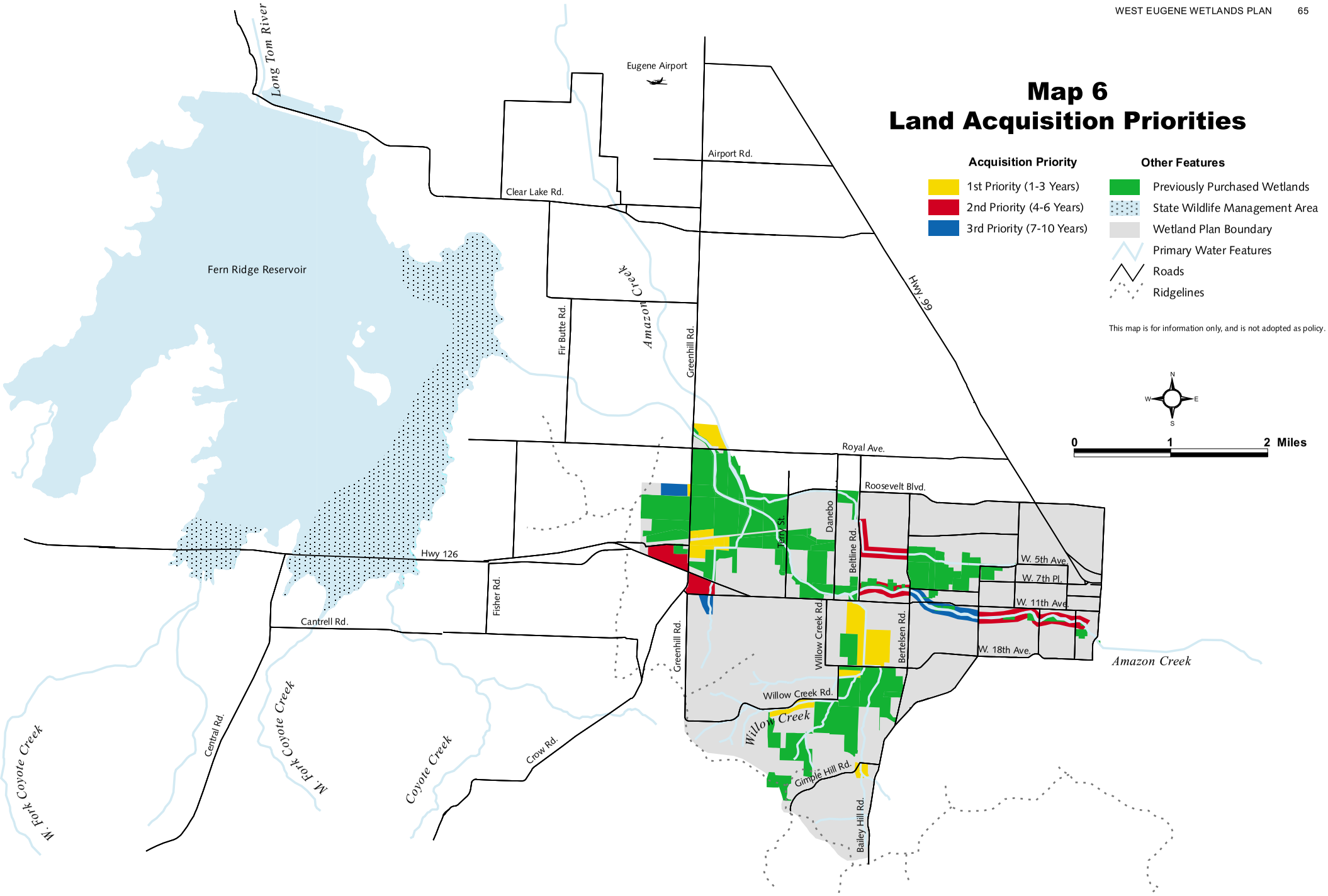
*Most mitigation will occur on agricultural wetlands along Amazon Creek.
** Cost estimates include design, engineering, construction and original planting costs. Estimates don't include monitoring, maintenance, or operational costs. The difference in per acre costs reflect the effects of inflation over time.

Table 4

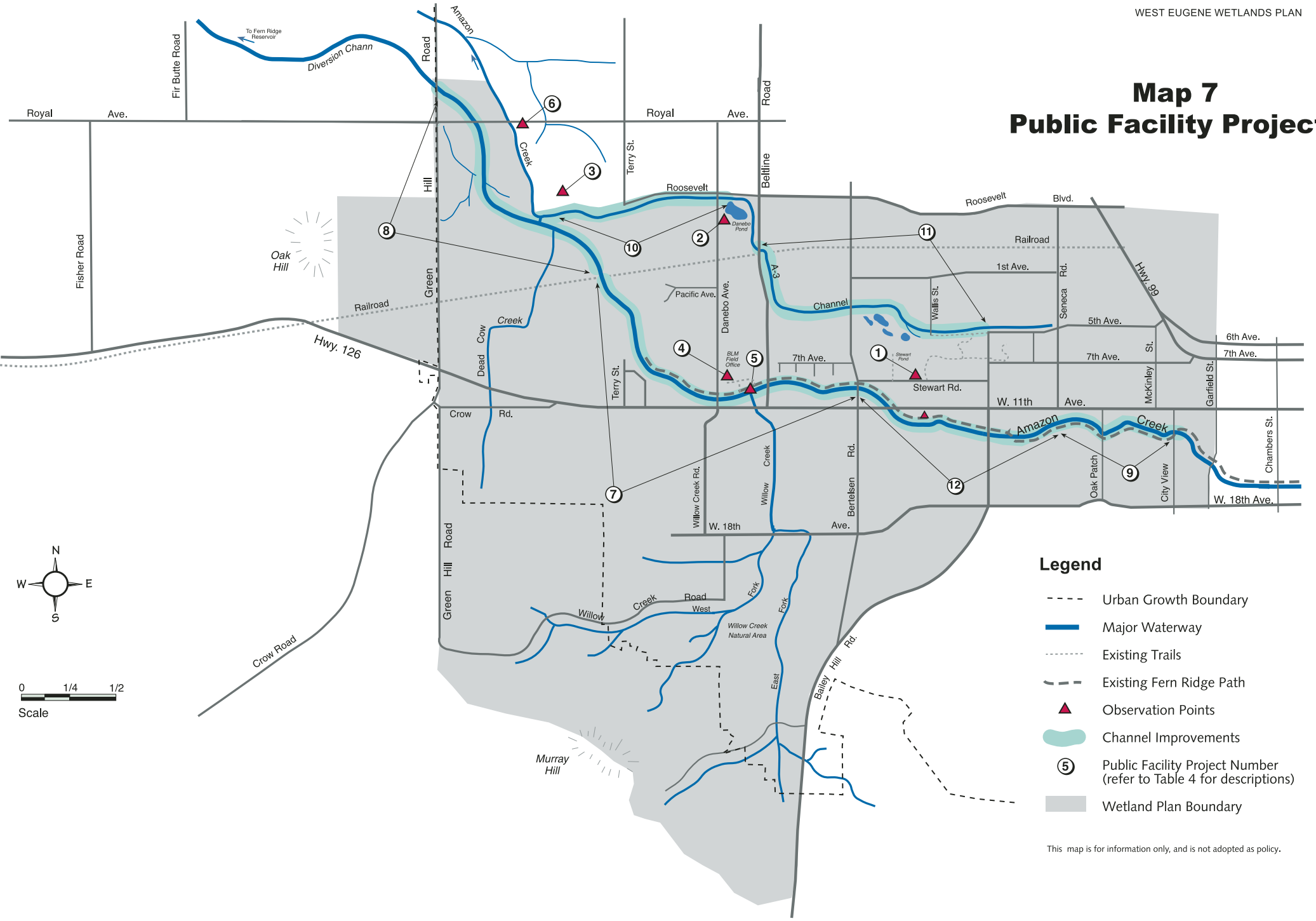
Public Facility Projects

Project Number*	Project Type	Project Description	**Priority	***Cost ($)
1	Observation Points	Stewart Pond	1	
2	"	Danebo Pond	1	
3	"	A-3, "A" Channels, Amazon Creek	1	
4	"	BLM Site	1	
5	"	Willow Creek	1	
6	"	"A" Channel and Amazon Creek at Royal Ave.	1	
7	Channel Improvements	Amazon Creek Widening: SPRR - Bertelsen Rd., 125'- 50', 9600 lineal feet	1	
8	"	Amazon Creek Widening: UGB - SPRR, 50' 7800 lineal feet	1	
9	"	Amazon Creek Widening: Seneca Rd. vicinity 50' - 35', 4200 lineal feet	2	
10	"	A-3 Channel Bank Alterations: "A" Channel - Danebo Pond, 5400 lineal feet	2	
11	"	A-3 Channel Bank Alterations: SPRR - Bertelsen Road, 3800 lineal feet	2	
12	"	Amazon Bank Improvements: Seneca Road - Bertelsen Road, 6200 lineal feet	2	
13	Various	Pilot Projects	2	

* Project numbers correspond to numbers on Map 6, Public Facility Projects
** Priority 1 equals 1 - 3 years, priority 2 equals 4 - 6 years
*** Cost estimates for all projects will be included when they become available


Map 6
Land Acquisition Priorities
Acquisition Priority
1st Priority (1-3 Years)
2nd Priority (4-6 Years)
3rd Priority (7-10 Years)
Other Features
Previously Purchased Wetlands
State Wildlife Management Area
Wetland Plan Boundary
Primary Water Features
Roads
Ridgelines
This map is for information only, and is not adopted as policy.
N
W
E
S
0
1
2 Miles
Eugene Airport
Airport Rd.
Clear Lake Rd.
Long Tom River
Fern Ridge Reservoir
Amazon Creek
Fir Butte Rd.
Greenhill Rd.
Hwy 99
Royal Ave.
Roosevelt Blvd.
Danebo
Beltline Rd.
Terry St.
W. 5th Ave.
W. 7th Pl.
W. 11th Ave.
W. 18th Ave.
Hwy 126
Fisher Rd.
Cantrell Rd.
Willow Creek Rd.
Bertelsen Rd.
Willow Creek
Gimple Hill Rd.
Bailey Hill Rd.
Central Rd.
Crow Rd.
Coyote Creek
M. Fork Coyote Creek
W. Fork Coyote Creek

Map 7
Public Facility Projects



This map is for information only, and is not adopted as policy.

APPENDIX F

TransPlan Projects Removed

The following TransPlan projects are no longer planned to be constructed and are therefore not eligible for the Planned Transportation Corridor designation:

#150 Extension of Beltline Road from W. 11th to W. 18th

#162 Extension of Terry Street from W. 11th to West Eugene Parkway

#228 Extension of Roosevelt Boulevard from Terry St. to Greenhill Road

Glossary

GLOSSARY

The following terms are among those used in the West Eugene Wetlands Study which may not be familiar to many readers. These definitions are intended to be explanatory, and are not adopted as policy. They may differ from definitions used in implementing ordinances.

Agricultural Wetland: "Wetlands which were both manipulated and cropped before 12/23/85, but which continue to exhibit important wetland values." (SCS) Normally an area must contain three factors to be considered a wetland under the jurisdiction of the state and federal wetland laws (see "Wetland" definition). One exception is when an activity has re moved one of those factors. Areas where wetlands soils and hydrology remain, but wetland plants have been re moved to allow a crop to be grown are called "agricultural wetlands" or "disturbed areas." A rye grass field that is seasonally flooded or ponded for 15 or more consecutive days during the growing season is an example of an agricultural wetland in west Eugene. If it can be assumed that wetland plants would become re-established if the farming ceased, then the area may be considered a jurisdictional wetland, even though all three factors are not present. This definition of agricultural wetlands is still undergoing debate at the national level.

Best Management Practices (BMP's): Management practices or techniques used to guide design and construction of new development or infrastructure improvements to minimize adverse environmental impacts. Often organized into a list of practices, from which those practices most suited to a specific site can be chosen to halt or offset anticipated problems. BMP's for a construction site might include: placement of barriers to prevent sediments from entering streams, contour grading, using selected plantings to stop soil erosion during the rainy season, retention of vegetation along a stream, and controlling heavy equipment operations at stream crossings.

Best Feasible Technology: Best feasible technology (for utility line location) is defined as a method or technology that will provide all of the required information for a locating activity, while having the least environmental impact among the methods or technologies that the affected agency has available at the time.

Biofilter or Biological Filter: Using vegetation and water features as a means of filtering pollution from stormwater or streams, water is passed over grassy areas, through sediment traps, and through specially created ponds which trap pollutants or allow them to settle out of the water stream.

Buffer: A designated area along the perimeter of a stream or wetland which is regulated to control (resist, absorb, or otherwise preclude) the negative effects of adjacent development from intruding into the natural area beyond the buffer.

Candidate Endangered or Threatened Species: A species which has been nominated for placement on the federal Endangered or Threatened Species List, but has not been given official status yet for any number of reasons. (See also "Endangered" and "Threatened").

Comprehensive Monitoring and Maintenance Program (CMMP): This program establishes provisions for the monitoring of existing wetland resources and wetlands created, restored or enhanced as a result of wetland mitigation requirements. Wetland mitigation efforts will be monitored against performance standards established during the permitting process and the corrective actions to be taken when these standards are not met. The quantity and quality of surface water, soils, quantity and diversity of wildlife species and general habitat conditions are the primary factors to be monitored. The program includes maintenance practices such as erosion control, debris and litter removal, selective plant removal and replacement, sedimentation removal, and water level manipulation.

Photo: Oregon ash leaves. (photo by N. Björklund)

Comprehensive Wetland Mitigation Program (CWMP): This is a comprehensive program that facilitates and guides wetland mitigation requirements. The program details the wetland functions, values and acreages to be replaced as a result of anticipated wetland losses. It establishes the objectives, location, timing, performance levels, monitoring requirements and the amount of financial guarantee to be provided for insuring successful mitigation.

Constructed Wetland: A facility that exhibits wetland characteristics but was constructed for the express purpose to perform a utility need, such as a sedimentation pond, and is not eligible for mitigation credit or subject to the jurisdictional requirements of federal and state wetland law.

Created Wetland: For the purpose of receiving mitigation credit, the alteration of soils, hydrology, and plants to produce a wetland where no wetland previously existed.

Criteria, Criterion: A written measure of character or quality, which is considered together with all other criteria to make a wetland designation decision on sites which do not meet any of the standards.

Delineation: Determining the boundaries of a jurisdictional wetland. The delineation may be marked in the field or on a map or aerial photograph.

Direct, Surface Water Connection: The presence of a physical connection, including existing culverts and other similar facilities, such that surface runoff from one wetland can flow into or onto another wetland via channel flow or sheet flow.

Disturbed Area or Wetland: See definition of "Agricultural Wetland."

Drainage Master Plan (DMP): Refers to the Eugene Areawide Drainage Master Plan, 1990, a study of stormwater facilities and needs in the Eugene Urban Growth Boundary (see "UGB" definition). This plan was produced by a consultant for the City of Eugene Public Works Department and consists of six volumes.

Ecology: The study of interrelationships within living systems, including plants, animals, insects, water, soil, air and energy.

Emergent: An erect, rooted, herbaceous wetland plant that may be temporarily or permanently flooded at its base but is nearly always exposed at the upper portion. Most swamps, bogs, marshes and prairie wetlands contain emergent vegetation.

Endangered: A plant of animal that is "in danger of becoming extinct within the foreseeable future throughout all or a significant portion of their range." Under the federal Endangered Species Act, plant and animal species may be listed as either threatened or endangered.

Enhancement: To improve one or more values in an existing wetland. The improvements may be to soils, water, or plants. Enhancement may improve a particular wetland value at the expense of other values. For example, diking an area to create a marsh environment for waterfowl nesting may flood a grassy wetland and reduce habitat for small rodents such as mice and voles.

Forb: A non-woody plant, other than grass, including wildflowers and plants which some refer to as "weeds."

404 (Wetland) Permit: A permit issued by the U.S. Army Corps of Engineers under Section 404 of the federal Clean Water Act which allows an activity (filling) within a wetland. A 404 permit usually requires compensation or mitigation for the allowed use in a wetland.

Greenway: A system of parks and open spaces along a stream or channel which forms a corridor for water and wildlife movement and for human recreation.

Groundwater: Water under the earth's surface that supplies streams, rivers, wells and springs.

Hydric Soil: Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation.

Hydrology: The study of the properties, distribution and circulation of water, specifically water on the surface or land, in the soil and underlying rocks, and in the atmosphere. Also used to refer to the characteristics of water flow in or on a given site.

Hydrophytic Plants or Hydrophytes: These are plants adapted to live in wetland conditions.

Impervious Surface: Surfaces which prohibit water from soaking into the ground. Concrete, asphalt and rooftops are the most common urban impervious surfaces.

Jurisdictional Wetland: A wetland determined to be subject to requirements of the federal Clean Water Act and Oregon's fill and removal statute.

Mitigation: This term has two meanings, both of which are used in this plan:

1. The actual enhancement, restoration, or creation of wetlands to compensate for permitted wetland

losses in terms of area and wetlands functions and values, and,

2. To protect wetlands by avoiding damage to them (i.e., long-term wetland protection status), by altering the design or timing of development to minimize negative impacts on wetlands, or by reducing external negative impacts (e.g., treating water pollution before it enters a wetland or creating a buffer area between the wetland and adjacent development).

Mitigation Bank: Wetland enhancement, restoration, or creation undertaken to provide mitigation (compensation) for wetlands losses from future development activities. The bank involves enhancing, restoring or creating wetlands in advance of development of a wetland as part of a credit program.

Mitigation Credits: Through a wetland bank system, credits may be purchased from a mitigation bank to compensate for permitted wetland development. A predetermined formula sets the amount of payment into the bank required prior to issuance of permits or development.

Native Plants: Plants that occurred naturally in the west Eugene area prior to white settlement.

National Pollutant Discharge Elimination System (NPDES): A permitting system devised by the U.S. Environmental Protection Agency (EPA) to administer provisions of the federal Clean Water Act. In Oregon the permitting system has been delegated by the EPA to the Oregon Department of Environmental Quality (DEQ). First applied to water quality in municipal sanitary waste discharges, the permitting system is now being expanded to apply to municipal storm water quality.

Palustrine Wetland System: A freshwater wetland dominated by trees, shrubs, and emergent vegetation. Other systems include marine, estuarine, riverine, and lacustrine (deep water, such as lakes).

Plan: As used anywhere in this document, the terms "the Plan", "this Plan", "West Eugene Wetlands Plan" or "the WEWP" are all references to the current West Eugene Wetlands Plan as adopted or hereafter amended.

Rare Animal: See definition for "rare species."

Rare Plant: See definition for "rare species."

Rare Species: Any plant or animal species which is included on the "rare plants" or "rare animals" lists in the policy section of Chapter 3 of this plan. Those species on the "watch" lists in Chapter 3 of this Plan are suitable for future consideration as additions to the rare species lists, but are not considered "rare" for the purposes of this Plan. These lists are derived from the Oregon Natural Heritage Program (ONHP) database of Rare, Threatened and Endangered Species of Oregon, Lists 1 and 2. ONHP List 1 includes species threatened with extinction or presumed to be extinct throughout their entire range. ONHP List 2 includes species threatened with extirpation or presumed to be extirpated from the state of Oregon. The list of rare species in this Plan only includes those species known to occur within wetlands in the Plan area.

Regional Permit: This is a general permit issued to a governmental entity by the U.S. Army Corps of Engineers. A regional permit for Eugene means that developing a wetland and mitigating for its loss would occur in accordance with this Plan and its background studies and inventories. Once issued, the regional permit authorizes the City to issue individual wetland impact permits to those areas identified for development by this Plan. The ACOE and EPA would still have oversight to insure that the City is administering federal laws and regulations in a proper manner.

Restoration: To improve a disturbed wetland by returning wetland parameters which may be missing; adding soils, water, or plants. The restoration may return a missing or damaged wetland function to achieve a desired outcome; for example, removing an agricultural crop and planting native seeds to produce a wet prairie grassland.

Riparian: The land bordering a stream or river; also pertaining to the vegetation typical of those borders (grasses, shrubs, and trees such as reed canary grass, spiraea, willows, ash and cottonwoods.

Roadside Ditch: A small, narrow ditch constructed adjacent to a roadway to convey stormwater runoff. Distinguished from larger ditches or channels that are part of the area-wide storm drainage system.

Scrub-Shrub Wetland: This type of wetland includes woody plants such as shrubs and small trees under 20 feet in height. They may represent a successional stage to a forested wetland.

Section 404 Permit: See 404 (wetlands) permit definition.

Standard: A written objective condition, which if met by a site, automatically determines the wetland designation to be applied.

Stormwater/Stormwater Runoff: Rain which travels over land surfaces and drains into the street gutters or storm sewer pipes and is discharged into a ditch, channel, stream or river. The velocity and peak volume of stormwater runoff is increased by impervious surfaces such as roofs, driveways, parking lots, and

asphalt streets. As stormwater travels over the land, it accumulates pollutants from roofs, yards, driveways, streets, and industrial and commercial land uses.

Stormwater User Fee: A storm sewer charge collected from users based on their respective contribution to stormwater runoff and stormwater pollution. This fee would be used to pay directly for some of the stormwater utility's responsibilities, a portion of which would be devoted to the wetlands program.

Stormwater Utility: A branch of the public works department that would be established to deal with stormwater, flood control, wetlands, and water quality matters in terms of planning, designing, maintaining, monitoring, financing, and administering those functions as part of the City of Eugene's on-going organization.

Succession: The sequence and process of changes in plant communities over time. Species, structure and communities evolve into a stable system. For example, the prairie grasslands may be invaded by young ash trees; then an ash forest forms; then Douglas fir trees invade the ash forest; eventually, the ash forest becomes a fir forest, which maintains itself over time.

Systems Development Charge (SDC): A fee charged to new development to help pay for the capital costs associated with new growth. A portion of the City of Eugene's SDC may help pay for the stormwater utility functions, including the wetlands program.

Technical Advisory Committee (TAC): This is a state and federal agency group created to provide local staff with advice on conduct of the west Eugene Wetlands Special Area Study. The TAC consisted of representatives from the U.S. Army Corps of Engineers, Environmental Protection Agency, and Fish and Wildlife Service, and the Oregon Division of State Lands.

Threatened: A plant or animal likely to become endangered within the foreseeable future.

Urban Growth Boundary (UGB): A site-specific line in the Metropolitan Plan that separates existing and future urban development from rural lands. Urban levels and densities of development, complete with urban levels of services, are planned within the UGB. Outside the UGB, rural lands are planned for farm and forest uses or for rural levels of development with accompanying rural levels of services.

Utility Line: Utility line is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose, and any cable, line or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and radio and television communication and any poles or other structures which support such cables, lines or wires. The term "utility line" does not include activities which drain a water of the state, such as drainage tile; however, it does apply to pipes conveying drainage from another area.

West Eugene Wetlands Special Area Study (WEWSAS): WEWSAS is the study which included development of this Plan and the accompanying Technical Report. The study was guided by the Eugene Planning Commission. It involved an inter-governmental staff team, use of consultants, a Technical Advisory Committee, and a series of public workshops with project management provided by the Lane Council of Governments.

Wet Praire Grassland: A unique type of wetland which once covered vast areas of the Willamette Valley floor. This term is used to describe a plant community dominated by tufted hairgrass, *Deschampsia cespitosa*. This wetland type is typically saturated or slightly flooded in the winter, but is dry in the summer and early fall. The wet prairie grasslands in west Eugene are the habitat for five species considered to be rare, threatened, or endangered in Oregon.

Wetland: Wetlands are areas where water exists at or near the land's surface in flooded or saturated soils in sufficient amounts during the March to October growing season to sustain wetland types of plants. Generally, three factors must be present in a wetland: 1) hydric soils (those soils officially identified as being wetland-type soils), 2) water (surface or groundwater within the root growing zone or upper 18 inches of soil), and 3) predominance of plants that are recognized as wetland species. There are several types of wetlands in west Eugene, including agricultural, marshes, ash forests, shrub-scrub, and prairie grass lands. The agricultural wetlands are an exception to the three factor definition used here (see "Agricultural Wetlands" definition).

Wetland Evaluation Technique (WET): This is a computer assisted method for assessing wetland functions and values, including social significance, effectiveness, and opportunities. It includes information on 12 wetland functions and values such as rare species, unique heritage, floodflow alteration, sediment stabilization, nutrient removal, wildlife and aquatic species diversity and abundance, recreation, and groundwater recharge.

Wetland Permit: If fill or drainage activities are planned in a jurisdictional wetland, individual permits may be issued by the U.S. Army Corps of Engineers (see "404 (Wetland) Permit" definition) and the Oregon Division of State Lands. If the activity cannot be justified, no state or federal permit will be issued. If the activity is justified, the permit may require compensatory mitigation to replace the acreage and values of the wetland allowed to be developed.

References and Related Documents

References and Related Documents

The following documents were developed by Lane Council of Governments (L-COG) for the West Eugene Wetlands Special Area Study. The documents were generated between early 1989 and late 1990. They contain general and technical information, and the results of the public involvement process used in developing the Plan. Copies can be obtained from L-COG.

Technical Documents

"Preliminary Inventory of Eugene and Springfield: Wetland, Riparian and Upland Areas for Wildlife Habitat Value", Esther Lev for Lane Council of Governments, Revised February 1990

"West Eugene Wetlands Special Area Study: Technical Report" (Draft), L-COG, January 1991

"Wetland Inventory and Wetland Functions and Values in West Eugene, Oregon", Scientific Resources, Inc., Lake Oswego, Oregon for L-COG. (Includes wetland delineations as assessment of functions and values using the Wetland Evaluation Technique), February 1990

"Winter Waterbird and Wildlife Habitat Inventory", Fishman Environmental Services, July 1991

"Historical Wetlands of the West Eugene Study Area", Carol Savonnen, April 1988

Public Involvement

"Citizen Workshop No. 4, Wetland Information and Scenarios", L-COG, February 1990. (Booklet from the fourth citizen workshop)

"Citizen Workshop No. 5, Preliminary Staff Recommendations", L-COG, May 1990
(Booklet from the fifth citizen workshop)

"Community Workshop Results of May 3 & 4, 1991 Workshop", L-COG, May 1991

"Public Workshop No. 5 Results Summary", L-COG, October 1990

"Results of Public Workshop No. 4", L-COG, April 1990

"Results of Workshop No. 7 Petersen Barn Community Center, May 2, 1992", L-COG, May 1992

"Status Report on Public Involvement", L-COG, September 1989. (Results of the first two citizen workshops)

"West Eugene Wetlands Public Preference Survey Results", L-COG, February 1990. (Results of the third citizen workshop)

General Information

"How Does the Plan Affect These Properties?", L-COG, May 1992. (Handout)

"Self-Guided Tour of West Eugene Wetlands", L-COG, 1989. (Handout)

Photo: Field trip group on Stewart Pond viewing platform, May 1999.

"West Eugene Comprehensive Wetlands Plan: A Case Study", L-COG, prepared for the Conservation Foundation and World Wildlife Fund, September 1990

"West Eugene Wetlands Special Area Study", L-COG, April 1989. (Handout)

"West Eugene Wetland Study, A Summary Progress Report by the City of Eugene, Oregon", L COG, February 1992

"West Eugene Wetlands Special Area Study Work Program", L-COG, February 10, 1989
(Includes a citizen involvement program)

"What Are Wetlands?", L-COG, 1990. (Handout)

"What is the West Eugene Wetlands Special Area Study Draft Plan?", L-COG, May 1992. (Handout)

"Why Are Wetlands Important?", L-COG, 1989. (Handout)

"Hints on Preparing a Comprehensive Wetland Management Plan", L-COG, February 1992

ORDINANCE NO. 19853

AN ORDINANCE ADOPTING THE WEST EUGENE WETLANDS SPECIAL AREA STUDY

The City Council of the City of Eugene finds that:

A. In January 1989, the Eugene Planning Commission began work on the West Eugene Wetlands Special Area Study (Study). The Study is a multiple objective examination of the balance between protection of valuable wetland areas and water quality, and preservation of developable land within the Study area in west Eugene.

B. Section 404 of the Federal Clean Water Act (33 U.S.C. 1344) and the Oregon Revised Statutes, 196.600-196.990, regulate fill and development within wetlands in order to protect water quality.

C. For citizen involvement the Study relied upon a series of five public workshops attended by a total of approximately 475 people. Numerous presentations were made during the preparation of the Study to elected and appointed public bodies and to local civic, development and environmental groups and organizations. Numerous field trips to the wetlands were conducted for federal, state and local government agencies and local organizations. Comments were received and recorded from each of the workshops, the presentations and the field trips.

D. Throughout the Study process the owners of every parcel containing wetlands identified in the Study were included on a mailing list, and were notified of all workshops, public meetings and hearings, and were given general information about the Study via a newsletter.

E. A technical advisory committee (TAC) comprised of representatives from the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Oregon Division of State Lands and the Oregon Department of Environmental Quality participated in the development of the draft plan and commented on the draft plan after it was distributed for public review.

F. In March 1991, the initial draft of the West Eugene Wetlands Special Area Study was distributed for public review. The Eugene Planning Commission sponsored a public information session on May 3 and 4, 1991 to generate comments concerning the draft Study findings and recommendations. Comments received at the information session along with comments received from the workshops, presentations and field trips were forwarded to the Planning Commission.

G. The Eugene Planning Commission conducted a joint public hearing in conjunc-

tion with the Lane County and Springfield Planning Commissions on the draft Study on May 21, 1991.

H. On June 25, and July 23, 1991 joint work sessions were held on the draft Study with the Eugene, Springfield and Lane County Planning Commissions for discussion of responses to public comment and testimony.

I. On January 7, 1992, the Planning Commission made minor changes to the draft Study and forwarded a draft Study dated March, 1991 with amendments to the City Council with a unanimous recommendation for approval.

J. Notice was provided to the Land Conservation and Development Commission concerning the draft Study on April 3, 1992. Notice was also provided to the Planning Directors of the City of Springfield and Lane County.

K. On March 2, 1992 the Eugene City Council held a work session on the draft Study. The Eugene City Council held a joint public hearing with the Lane County Board of Commissioners on the March 1991 version of the draft Study with amendments on April 8, 1992.

L. The Eugene Planning Commission and Eugene City Council have reviewed the draft West Eugene Wetlands Special Area Study. Based on the recommendation of the Planning Commission, the public testimony, and the preceding findings, the City Council has determined that the West Eugene Wetlands Special Area Study is consistent with the Eugene-Springfield Metropolitan Area General Plan, as acknowledged by LCDC, and consequently this Study conforms to applicable statewide planning goals. Furthermore, the City Council has determined that adoption of the West Eugene Wetlands Special Area Study will substantially advance legitimate public interest in protection of wetlands and water quality as required by Section 404 of the Clean Water Act and Oregon law.

NOW THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Based on the above findings, which are incorporated herein, and subject to the limitations hereinafter set forth in Section 3, the West Eugene Wetlands Special Area Study attached as Exhibit A hereto and incorporated herein by reference, including the Policies set forth therein, is hereby adopted as a refinement of the Eugene-Springfield Metropolitan Area General Plan for the Eugene portion of the Urban Growth Boundary.

Section 2. The City Council hereby adopts as additional findings the supporting text, maps, graphs, and tables contained in the West Eugene Wetlands Special Area Study Plan and Technical Report.

Section 3. The recommended actions are recognized as potential ideas on how to address the policies, but are not adopted as City policy.

Passed by the City Council this 20th day of May, 1992

City Recorder

Approved by the Mayor this 20th day of May, 1992

Mayor

WEST EUGENE WETLANDS SPECIAL AREA STUDY, draft plan, public testimony: April 8 - May 2, 1992 not included; it is on file and available by written request to the City Recorder's Office.

ORDINANCE NO. 19867

AN ORDINANCE ADOPTING AN AMENDMENT TO THE WEST EUGENE WETLANDS SPECIAL AREA STUDY

The City Council of the City of Eugene finds that:

A. The West Eugene Wetlands Special Area Study (WEWSAS) was amended and adopted by the Council as a refinement of the Eugene-Springfield Metropolitan Area General Plan for the area within the WEWSAS study area boundary by unanimous adoption of Ordinance No. 19853 on May 20, 1992.

B. WEWSAS was subsequently reviewed by the Lane County Board of Commissioners at work session meetings on June 3 and June 24, and at public hearings on July 14 and July 22. Based upon the testimony received and the discussion of the Commissioners, the Board approved the plan through adoption of Ordinance PA 1019 by a 3-2 vote and approved additional amendments to WEWSAS, as shown in Exhibit A hereto.

NOW THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Based on the above findings, which are incorporated herein, the amendments shown in Exhibit A hereto and incorporated herein by reference, are hereby adopted.

Section 2. Except as herein amended, all other provisions of the West Eugene Wetlands Special Area Study as amended and adopted by the City Council by Ordinance No. 19853 on May 20, 1992 remain in full force and effect.

Passed by the City Council this 10th day of August, 1992

City Recorder

Approved by the Mayor this 10th day of August, 1992

Mayor

EXHIBIT A

AMENDMENTS TO THE WEST EUGENE WETLAND SPECIAL AREA STUDY

1. Remove from WEWSAS all mapped and text references to sites A-6, A-7, A-8, A-9, A-10 and B-10.

2. On Map 3, add an asterisk to sites A-5, H-2, F-1, F-2 and I-1 and attach a footnote which reads "Wetlands identified using the off-site methodology which are potentially regulated wetlands under further review."

3. Add to the Plan the following policy:

   "Within 12 months of adoption of this Plan, the City of Eugene shall:

   "1. Conduct on-site inventories of the off-site wetlands identified with asterisks on Map 3 in the Plan. The City will work with owners to obtain permission to conduct those on-site inventories. The owners will be given opportunity to be present during the inventories and to present information to the City.

   "2. Report back to the County and affected property owners the results of the on-site inventories, and initiate requests for amendment of the Plan to include those properties which the on-site inventories indicate should be added to or deleted from the Plan."

4. Amend Recommended Action 7.11 (Page 24 of the draft Plan) as follows (deletions are shown as ~~overstrike~~, additions are underlined):

   "Once agreement is reached by state and federal agencies on a uniform method for defining and determining wetlands, ~~the Plan's inventory will be re-evaluated and Plan amendments may result.~~

   "a. Local elected officials will be notified within 30 days;
   b. The Plan's inventory will be re-evaluated within 30 months; and
   c. Plan amendments will be considered depending on the outcome of the inventory re-evaluation."

5. Amend the statement on page 9 of the WEWSAS Plan as follows (deletions are shown as ~~overstrike~~, additions are underlined):

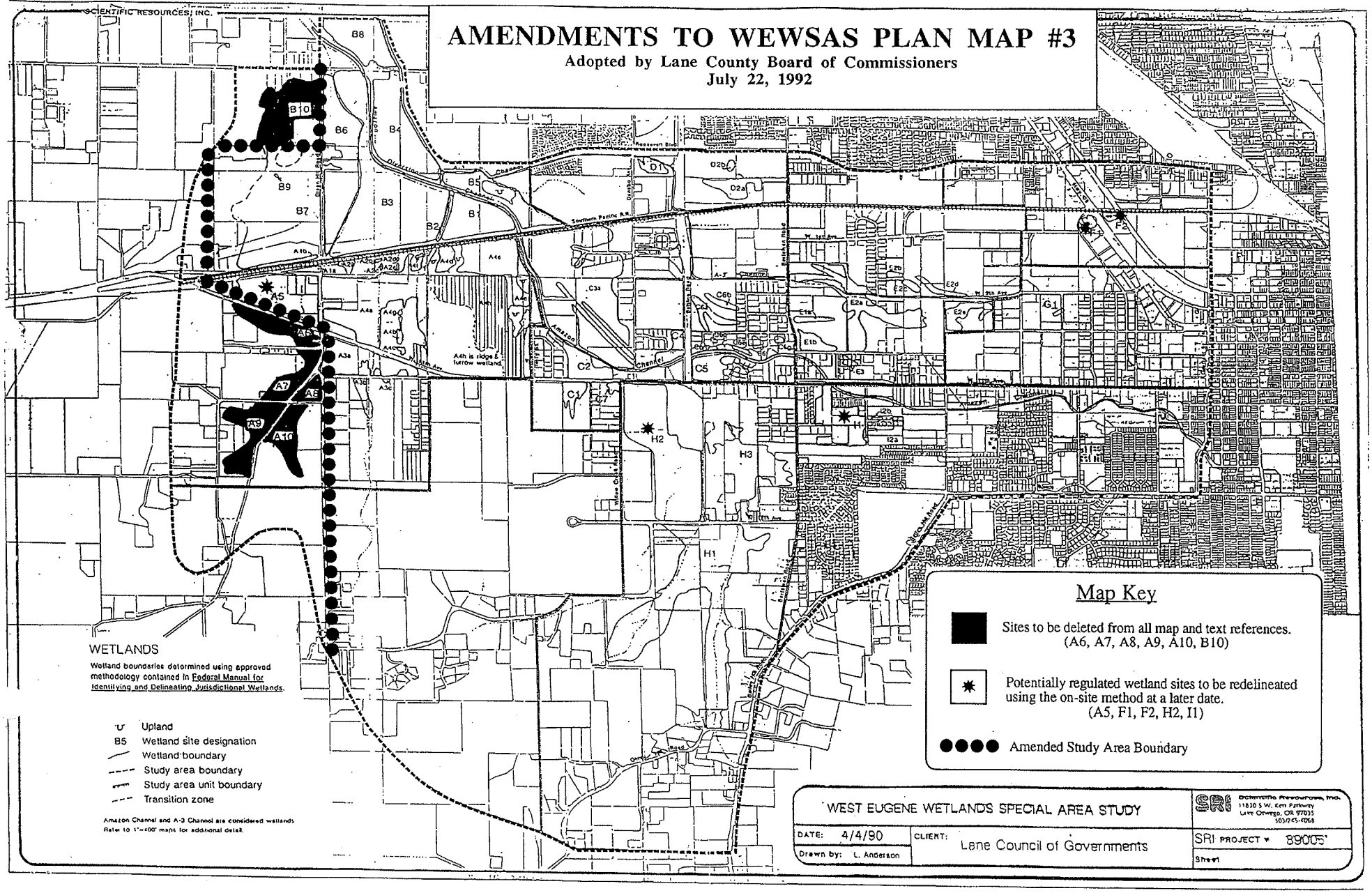
   "Lane County ~~will~~ may use the Plan in the:

   1. Administration of County programs and services impacting the west Eugene region." [The balance of the paragraph is unchanged].

SCIENTIFIC RESOURCES, INC.

AMENDMENTS TO WEWSAS PLAN MAP #3

Adopted by Lane County Board of Commissioners
July 22, 1992



ORDINANCE NO. 20002

AN ORDINANCE AMENDING THE WEST EUGENE WETLANDS SPECIAL AREA STUDY ADOPTED BY ORDINANCE NO. 19853 ON MAY 20, 1992.

The City Council of the City of Eugene finds that:

A. The West Eugene Wetlands Special Area Study (WEWSAS) was amended and adopted by the Council as a refinement of the Eugene-Springfield Metropolitan Area General Plan for the area within the WEWSAS area boundary by Ordinance No. 19853 on May 20, 1992, and subsequently amended in part by Ordinance No. 19867 adopted by the Council and approved by the Mayor on August 10, 1992.

B. The interagency staff team associated with the West Eugene Wetlands project has proposed additional amendments consisting of changing the wetland designations of portions of two wetland sites from protection status to development status, changing the name from the West Eugene Wetlands Special Area Study to the West Eugene Wetlands Plan, and some minor text changes. The amendments are more particularly set forth in Exhibit A attached hereto and incorporated herein by reference. The total area of protected wetland proposed to be changed to development is 1.42 acres.

C. The proposed amendments were the subject of a joint public hearing before the Eugene and Lane County Planning Commissions on February 7, 1995. The only testimony presented at the hearing was from the owners of the two affected parcels, who support the amendments. The Eugene Planning Commission voted unanimously to recommend approval of the amendments, and the vote before the Lane County Planning Commission was 4-1 to recommend approval.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Based on the above findings, and the findings set forth in Exhibit B attached hereto and incorporated herein by reference, which are adopted herein, the amendments shown in Exhibit A attached hereto and incorporated herein by reference are hereby adopted as amendments to the West Eugene Wetlands Plan attached to and adopted by Ordinance No. 19853 on May 20, 1992.

Section 2. Except as amended by Ordinance No. 19867 on August 10, 1992 and herein, all other provisions of the West Eugene Wetlands Plan remain in full force and effect, and the City Recorder is requested to append a copy of this Ordinance thereto.

Section 3. Notwithstanding the provisions of the Eugene Charter and the Eugene Code, 1971, this Ordinance shall not become effective until identical provisions are adopted by the Lane County Board of Commissioners.

Passed by the City Council this

6TH **day of** MARCH **, 1995**

City Recorder

Approved by the Mayor this

6TH **day of** March **, 1995**

Ruth F. Bascom

Mayor

Exhibit A

Amendments to the West Eugene Wetlands Plan

1. Replace all references to West Eugene Wetlands Special Area Study (WEWSAS) with West Eugene Wetlands Plan (WEWP).

2. Remove all references in the West Eugene Wetlands Plan to 288 acres of wetlands designated for development and 1,307 acres designated for protection and replace with descriptive terms indicating a balance of protection and development.

3. Remove Lane County from list of contacts on page iii of the West Eugene Wetlands Plan.

4. Add a policy # 3.16 to Chapter 3 as follows:

   The City recognizes that habitat management considerations, purchase negotiations, site characteristics and unforeseen opportunities may cause acquisition area boundaries to differ from the protected wetland boundaries shown on Map 3 of the adopted Plan.

5. Delete policies 4.7 and 4.8.

~~4.7 Mitigation efforts shall occur in the priority areas as depicted in Map 3.~~

~~4.8 Develop a wetland mitigation overlay zone where mitigation is a permitted use, and apply it to areas targeted as future mitigation sites as shown on Map 3.~~

6. Delete Policy 7.12.

~~7.12 Within 12 months of adoption of this Plan, the City of Eugene shall:~~

~~1. Conduct on-site inventories of the off-site wetlands identified with asterisks on Map 3 in the Plan. The City will work with owners to obtain permission to conduct those on-site inventories. The owners will be given opportunity to be present during the inventories and to present information to the City.~~

~~2. Report back to the County and affected property owners the results of the on-site inventories, and initiate requests for amendments of the Plan to include those properties which the on-site inventories indicate should be added or deleted from the Plan.~~

7. Change the wetland designation shown on Map 3 of the West Eugene Wetlands Plan from protect to future fill (development) for the following sites:

a. Wetlands within and directly north of tax lots 1600 and 1700, assessor's map 17-04-33-20, (Sweetland Industrial Park) as shown on Exhibit 1, attached hereto.

b. Wetlands within the portion of tax lot 2700, assessor's map 17-04-35-20, (Shelton-Turnbull) which were added to that tax lot by lot line adjustment LA 95-1, as shown on Exhibit 2, attached hereto.

8. Designate recently delineated wetlands (as shown in Exhibit 3, attached hereto) on tax lot 2700, assessor's map 17-04-35-20 for future fill (development) on Map 3 of the West Eugene Wetlands Plan.

Exhibit B

Eugene City Council
Findings and Conclusions
In Support of Ordinance # _____

Two sections of the Eugene Code, 1971 (EC) have direct bearing on this request. First, EC 9.142 sets forth the guidelines to determine whether the planning commission should initiate a refinement plan amendment. Second, EC 9.145 provides the criteria to determine whether a proposed plan amendment should be approved. The proposed amendments must be consistent with the criteria in EC 9.145 to be approved.

Section 9.142 (4) The planning commission and council shall consider the following guidelines in determining whether the city should initiate an amendment to a refinement plan: (a) There is an urgent need to consider the amendment in advance of the time it would normally be considered; and

Findings:

Shelton-Turnbull has been planning an expansion since 1992 and had originally planned to begin construction in 1994.

If a plan amendment for the Shelton-Turnbull site is delayed until other amendments to the West Eugene Wetlands Plan (WEWP) are processed in the summer 1995, the Shelton-Turnbull expansion project will be delayed until 1996.

The amendment for the Sweetland Industrial Park sites has been contemplated since March 1993.

Mr. Sweetland has been unable to sell these two parcels because of the protection status accorded the wetlands in the WEWP.

Conclusions:

The circumstances surrounding these two sites warrant processing amendments for these sites ahead of the time proposed for a larger set of amendments to the WEWP. Proposed amendments 7 and 8 are consistent with this guideline.

Section 9.142 (4) (b) The plan amendment will address one of the following: 1. New or amended policies set forth in a state statute, regulation, planning goal or state agency land use plan; or

Findings: This guideline is not applicable.

Section 9.142 (4)(b) 2. New or amended city policies or recommendations that have a direct relationship to the refinement plan; or

Findings: The proposed amendments for the Shelton-Turnbull and Sweetland sites are based on recommendations made by city staff in 1992 and 1993 to change the designation of these two sites.

Conclusions: Proposed amendments 7 and 8 are consistent with the guideline.

Section 9.142 (4)(b) 3. A community-wide need based on direct and ascertainable community benefits occasioned by the plan change; and

Findings: Facilitating the proposed expansion of the Shelton-Turnbull operations would help keep approximately 85 jobs in Eugene, and add approximately 40 new jobs.

Conclusions: The proposed amendment for Shelton-Turnbull addresses a community-wide need for job opportunities. The amendments are consistent with the above guideline.

Section 9.142 (c) Such other considerations as the council or commission may deem appropriate. The council or commission may refuse to initiate a plan amendment for any reason.

Findings: This guideline is not applicable.

Summary Conclusions

The City Council concludes that the proposed amendments are consistent with the guidelines set forth in Eugene Code section 9.142(4)(a), (4)(b)2 and (4)(b)3 .

Section 9.145 (2) The planning commission shall review the proposed amendment and receive evidence, and decide whether the proposed change is consistent with the following approval criteria: (a) The plan amendment is consistent with the Metropolitan Area General Plan;

Findings: The Metropolitan Plan (Metro Plan) diagram designates both the Sweetland and Shelton-Turnbull sites for Light-Medium Industrial Use.

The proposed amendment would help facilitate light-medium industrial use of the Sweetland and Shelton-Turnbull sites.

The Metro Plan contains the following policies that are applicable to the proposed amendments (related findings follow each policy):

Policy 1, page III-B4: Demonstrate a positive interest in existing and new industries, especially those providing above average wage and salary levels, an increased variety of job opportunities, a rise in the standard of living, and utilization of our existing comparative advantage in the level of education and skill of the resident labor force.

The proposed amendments would demonstrate a positive interest in industrial development of two sites in west Eugene.

Policy 2, page III-B-4: Encourage economic development which utilizes local and imported capital, entrepreneurial skills, and resident labor force.

Both the Sweetland and Shelton-Turnbull properties are locally owned, and the Shelton-Turnbull business is locally owned.

Policy 5, page III-B-5: Provide existing industrial activities sufficient adjacent land for future expansion.

The amendment for the Shelton-Turnbull site would help to provide adjacent land for the existing industrial operation to expand.

Policy 19, page III-C-9: Local governments shall develop policies and local controls for protection and management of wetlands area by completion of the next Metro Plan Update.

The West Eugene Wetlands Plan, which contains policies and local controls for wetlands in west Eugene, was adopted in 1992.

The proposed text amendments do not affect policies which prescribe the primary wetland protection measures to be implemented: wetland acquisition, wetland buffers and waterside setbacks.

The proposed amendments for the Sweetland and Shelton-Turnbull sites retain protection of 95% and 97% respectively of the two affected sites.

Policy 28, page III-C-10: Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input.

There are no known occurrences of state-listed threatened plant or wildlife species

on either the Sweetland or Shelton-Turnbull sites.

Policy 2, page III-E-3: "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental and energy consequences in the design and construction of urban development and landscaping shall be utilized to enhance those natural features."

Full urban services are in place for both the Sweetland and Shelton-Turnbull sites, including streets, curbs, sewers, electricity, and water. The wetlands on both sites are narrow, partially isolated arms of wetland that are of lower value that the adjacent wetlands. The City Council finds that the development (i.e., economic and social) values outweigh wetland resource values on both the Sweetland and Shelton-Turnbull sites.

Conclusions: The findings above indicate consistency with all applicable Metro Plan text and with the Metro Plan diagram. The City Council concludes that the proposed amendments meet the criterion of Metro Plan consistency.

Section 9.145(2)(b) The plan amendment is consistent with remaining portions of the refinement plan;

Findings: The West Eugene Wetlands Plan contains the following applicable policies (related findings follow each policy):

Policy 3.1 Seek acquisition of protected wetland sites by federal, state and local public agencies and private, non-profit conservation organizations.

The Sweetland site was determined by staff to be inappropriate for public acquisition due to substantial fill on both lots, relatively low wetland resource values, narrow linear configuration and difficulties anticipated in attempting long-term protection.

The Shelton-Turnbull site was traded by BLM to Shelton-Turnbull for another more valuable wetland site (E3/EF) on the south side of Stewart Road.

Policy 3.5 Along with Lane County and the State of Oregon, protect wetlands on public lands in the Eugene wetlands study area and restore wetlands on public lands.

Neither the Sweetland nor Shelton-Turnbull sites is publicly owned.

Policy 3.8 Establish, maintain, and protect physical and hydrologic linkages

between protected wetlands and adjacent transitional and upland wildlife habitat and natural areas.

Both the Sweetland and Shelton-Turnbull sites lie on the edge of a larger wetland site, and lie between the larger wetland site and adjacent development. Therefore, development on these sites would not interrupt linkages to other habitat areas.

Policy 3.9 Protect and enhance the quality, functions, and values of natural and human-made waterways that are interconnected with wetlands.

There are no waterways directly connected to the Shelton-Turnbull site.

The Sweetland site lies adjacent to Amazon Creek. If this amendment is adopted, Amazon Creek would still be protected by a waterside protection setback.

Policy 3.14 Implement wetland protection policies that prohibit development on wetlands designated for protection after those wetlands are acquired by a public agency or non-profit organization.

The Sweetland site has been determined by staff to be inappropriate for public ownership for wetland resources. Protection measures such as applying the proposed Natural Resources District or changing its Metro Plan designation to natural resources will not be implemented while it is in private ownership.

The Shelton-Turnbull site is privately owned. Protection measures such as applying the proposed Natural Resources District or changing its Metro Plan designation to natural resources will not be implemented while it is in private ownership.

Conclusions: The above findings indicate that the proposed amendments are consistent with the applicable policies in the remainder of the WEWP. The City Council concludes that the proposed amendments meet the criterion of consistency with the remainder of the refinement plan.

Section 9.145 (2)(c) The plan amendment is found to address one or more of the following:
1. An error in the publication of the plan;

Findings: The text of the WEWP erroneously refers to the document as the West Eugene Wetland Special Area Study. The correct name of the document is the West Eugene Wetlands Plan.

Conclusions: Proposed text amendment #1 meets this criterion.

Section 9.145 (2)(c) 2. A change of circumstances in a substantial manner not anticipated in the plan;

Findings: Following adoption of the WEWP, the supplemental wetland inventory changed the acreages of some sites included in the plan.

Following adoption of the WEWP, Lane County decided not to staff the West Eugene Wetlands program.

Following adoption of the WEWP, additional review of sites and experience with mitigation projects led City staff to conclude that some mitigation projects could successfully be conducted in areas not designated for mitigation on Map 3 of the WEWP.

Following adoption of the WEWP, staff review indicated that it would not be cost effective to develop, adopt and apply a mitigation overlay district to sites identified in the WEWP for mitigation.

Following adoption of the WEWP, staff completed the tasks outlined in WEWP Policy 7.12, including conducting on-site wetland delineations of sites where owners gave permission, presentation of delineation results to owners and the public, initiation of amendments to the WEWP by developing staff recommendations and presenting them to the public in a workshop.

Following adoption of the WEWP, Shelton-Turnbull made known to the city its desire to expand at its current site.

Following adoption of the WEWP, Shelton-Turnbull acquired and traded to the BLM a wetland site (E3/EF) in west Eugene which had been designated for development in the adopted plan. This site was re-delineated in the supplemental inventory in 1993 and was proposed for protection.

When the WEWP was adopted, it was anticipated that the Sweetland site would be suitable for public acquisition. Following plan adoption, it was determined that the site was not suitable for acquisition for long-term wetland protection.

Conclusions: Proposed text amendments 2, 3, 4, 5, 6 and the Shelton-Turnbull and Sweetland amendments address a change in circumstances not anticipated in the Plan and therefore satisfy this criterion.

In addition to adopted policies, the West Eugene Wetlands Plan contains the criteria used to evaluate wetland sites for protection or development designation. Sites were not required to meet all of the protection criteria in order to be designated for protection. Rather, the more criteria

a given site met, the higher priority it was given for that category. The following criteria were used to identify those sites suitable for and deserving of protection:

1. Presence of rare plants.
2. Site has Metropolitan Plan designation of Natural Resource.
3. Site is within the 100 year floodplain.
4. Site is near a perennial waterway.
5. Site is connected geographically or hydrologically to other wetlands or waterways.
6. Site contains a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region
7. Protection of site would further the goals and objectives of this plan.
8. Presence of unique Willamette Prairie Grassland plant community.

The Sweetland site, considered separately from the larger adjacent wetland to the east, meets criteria #'s 4 and 5. The Shelton-Turnbull site, considered separately from the larger adjacent wetland to the north, meets criteria #'s 5 and 8. Typically, sites that were designated for protection met 4 to 6 of the criteria.

The following criteria were used to evaluate sites for possible development:

1. Prior to adoption of the Plan, the site has an approved wetland impact permit from the Oregon Division of State Lands and U.S. Army Corps of Engineers, or an approved Final Environmental Impact Statement.
2. The site is relatively isolated or disconnected from the larger system of wetlands and waterways.
3. The site is served by existing streets, roads, sanitary sewers and municipal water.
4. The site is adjacent to or surrounded by existing development.
5. The site has frontage on a major highway or street.

The Sweetland site, considered separately from the larger adjacent wetland to the east, meets criteria #'s 3 and 4. The Shelton-Turnbull site, considered separately from the larger adjacent wetland to the north, meets criteria #'s 3 and 4, also.

Conclusions: Neither the Sweetland site nor the Shelton-Turnbull site, when compared with the criteria given in the WEWP, come out strongly for either protection or development.

Section 9.145 (2)(c)3. Incorporation into the plan of new inventory material which relates to a statewide goal; or

Findings: The revised wetland delineation (which is a type of Goal 5 inventory) for the Shelton-Turnbull site revealed a different configuration of wetlands from what was understood at the time of WEWP adoption. The new configuration showed

a lesser connection between the wetlands on the Shelton-Turnbull site and the adjacent wetlands to the north, and more surrounding fill material than was previously documented.

Conclusions: The Shelton-Turnbull site amendment meets this criterion.

Section 9.145 (2)(c) 4. A change in public policy.

Findings: This criterion is not applicable.

Summary Conclusions:

All of the proposed amendments meet one or more of the criteria for approval of a refinement plan amendment as set forth in Eugene Code section 9.145.

Based upon the discussion, findings and conclusions herein (below) the City Council finds that the proposed amendments are consistent with the criteria contained in Eugene Code section 9.145.

Exhibit 1 -- Sweetland Industrial Park Site

Adopting Ordinance -- Change from protect to future fill
City of Eugene -- West Eugene Wetlands Plan Amendments (RA 95-001)

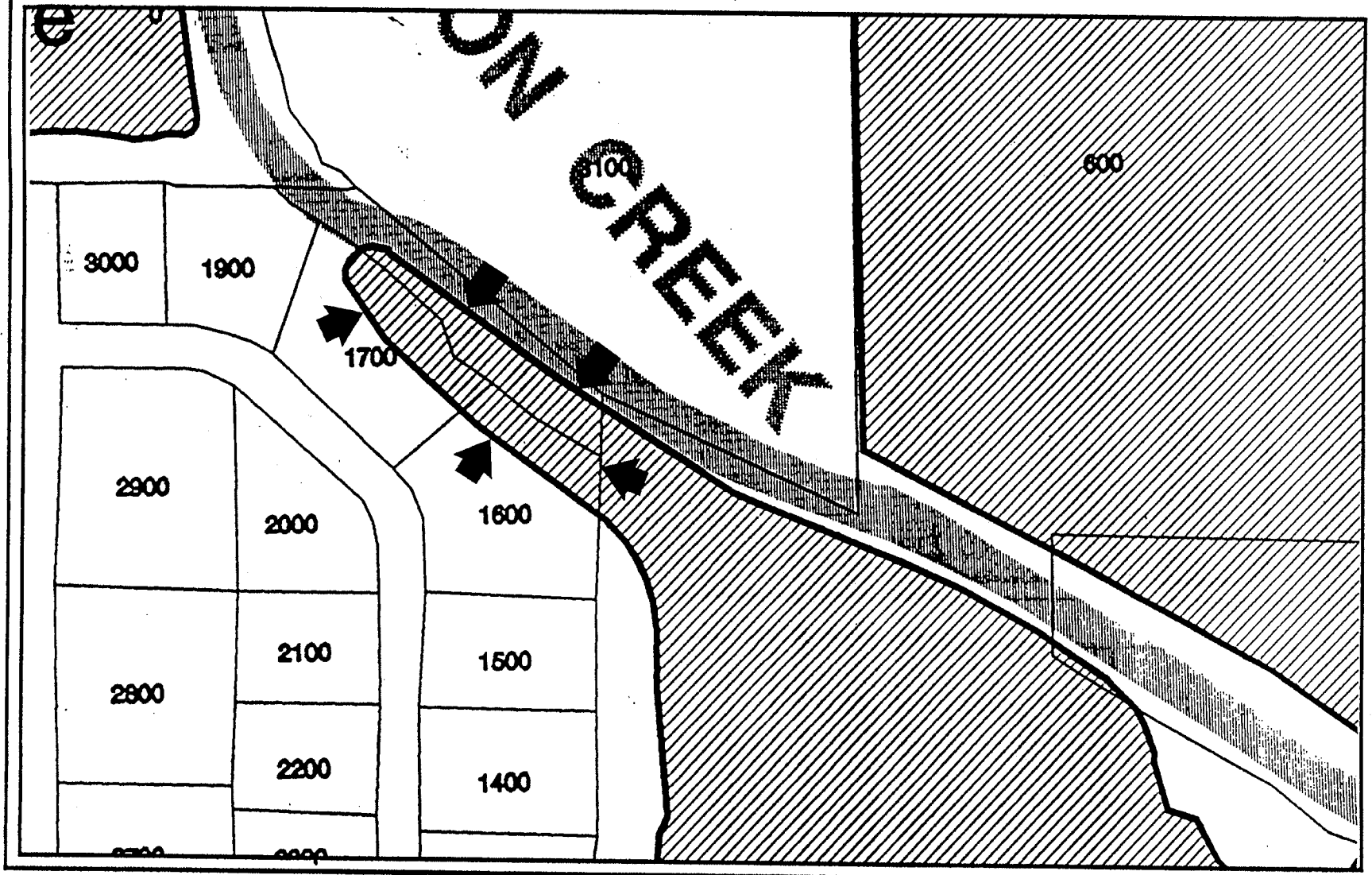


Exhibit 2 -- Shelton-Turnbull Site

Adopting Ordinance -- Change from protect to future fill
City of Eugene -- West Eugene Wetlands Plan Amendments (RA 95-001)

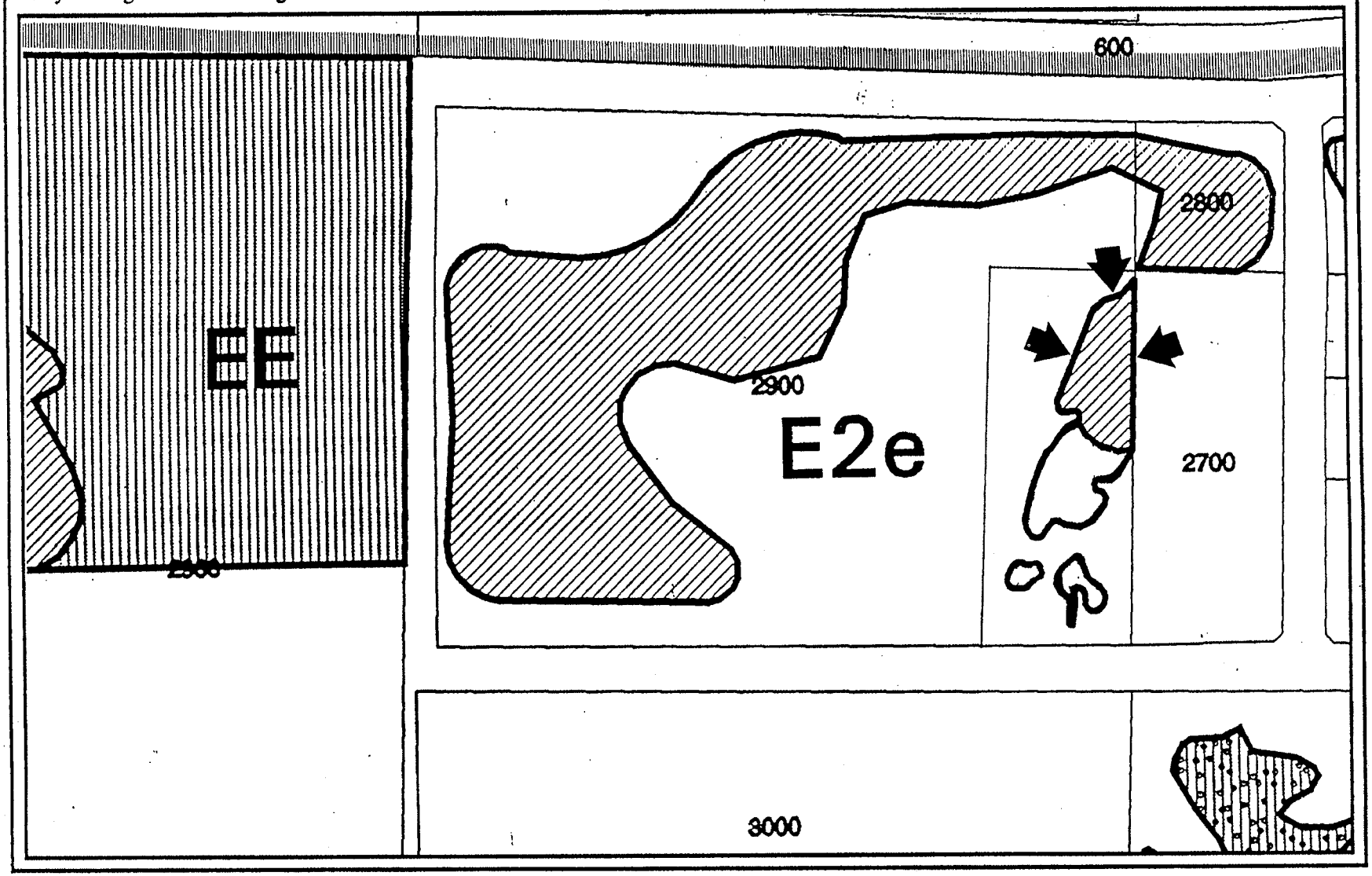
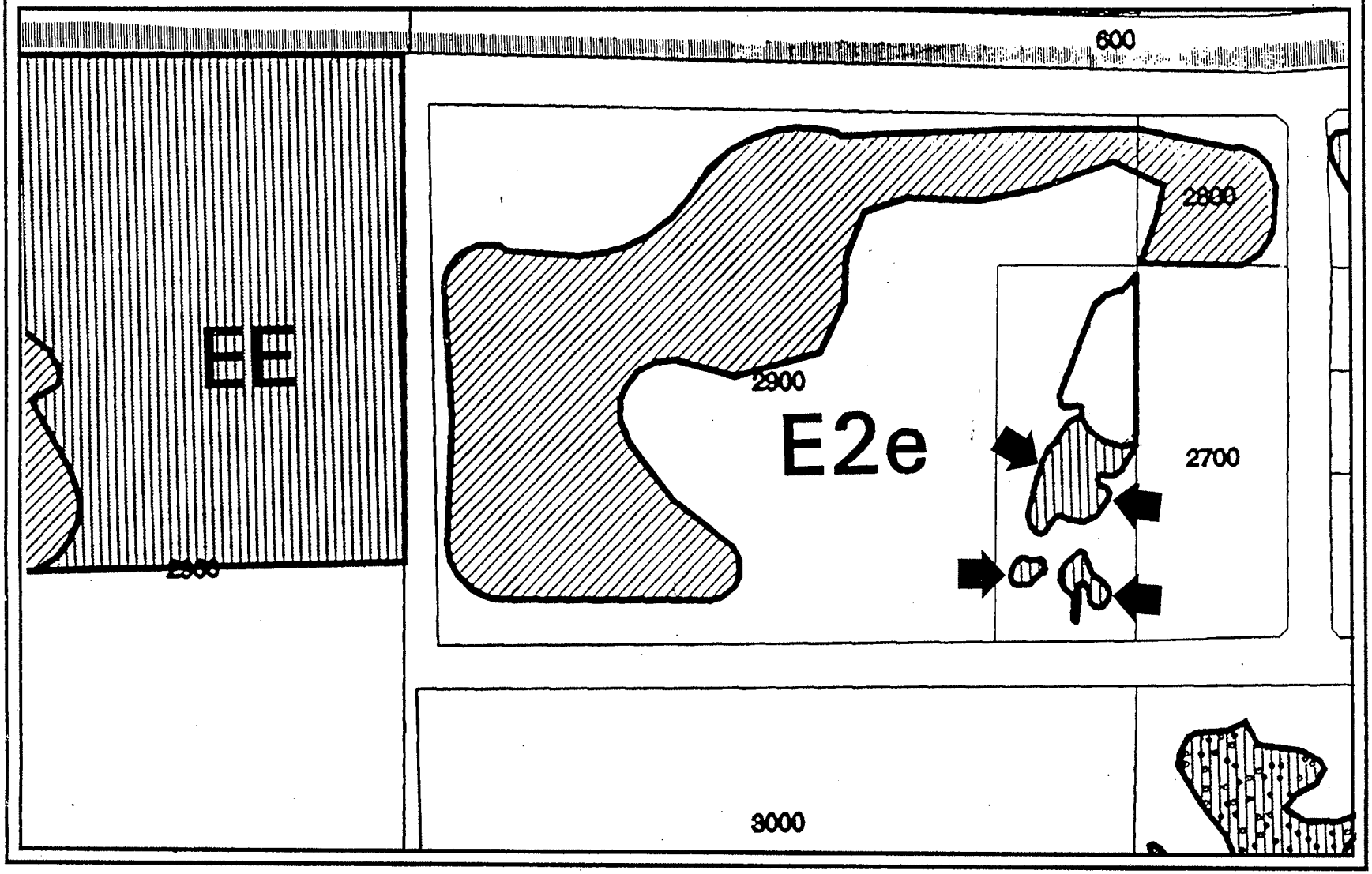


Exhibit 3 -- Shelton-Turnbull Site

Adopting Ordinance -- Change from undesignated to future fill
City of Eugene -- West Eugene Wetlands Plan Amendments (RA 95-001)



ORDINANCE NO. 20119

AN ORDINANCE AMENDING THE WEST EUGENE WETLANDS PLAN BY ADOPTING NEW POLICIES AND PLAN TEXT ESTABLISHING PLANNED TRANSPORTATION CORRIDOR AND UTILITY CORRIDOR WETLAND DESIGNATIONS

The City Council of the City of Eugene finds that:

A. On May 20, 1992, the Eugene City Council adopted Ordinance No. 19853 adopting the West Eugene Wetlands Special Area Study, a refinement plan to the Eugene-Springfield Metropolitan Area General Plan, subsequently amended in part by Ordinance No. 19867 adopted by the City Council on August 10, 1992.

B. On March 6, 1995, the Eugene City Council adopted Ordinance No. 20002 amending the West Eugene Wetlands Special Area Study and changing the name to the West Eugene Wetlands Plan.

C. The City of Eugene has initiated additional amendments to the West Eugene Wetlands Plan to amend Plan policies and text, and to adopt wetland designations for certain properties located within the Plan boundary.

D. On March 19, 1996, the Eugene Planning Commission conducted a joint public hearing with the Lane County Planning Commission on draft amendments to the West Eugene Wetlands Plan.

E. On May 6, 1996, the Eugene Planning Commission voted unanimously to recommend approval of amendments to the West Eugene Wetlands Plan. On June 4, 1996, the Lane County Planning Commission recommended approval of the amendments to the Lane County Board of Commissioners, subject to review of testimony and evidence submitted after the close of the record and not available to the Planning Commission at the time of its deliberation.

F. On December 17, 1996, the Eugene Planning Commission conducted a second joint public hearing with the Lane County Planning Commission on new evidence related to wetland designations submitted after the close of the Planning Commission record.

G. On May 5 and May 12, 1997, the Eugene Planning Commission reaffirmed its recommendation for wetland designations for the Speedway site, modified its recommendation for the EWEB substation site, and forwarded a new recommendation to address underground utilities within protected wetlands. On December 8, 1997, the Eugene Planning Commission reaffirmed its recommendation for the Hyundai site.

H. On September 16 and December 16, 1997, the Lane County Planning Commission voted to make no changes to its June 4, 1996 recommendations for wetland designations for the Speedway and Hyundai sites and took no action on the revised Eugene Planning Commission recommendation for the EWEB substation site and new Eugene Planning Commission recommendation related to underground utilities within protected wetlands.

I. On February 18, 1998, the Eugene City Council conducted a joint public hearing with the Lane County Board of Commissioners to hear testimony on these proposed amendments.

J. On April 8, 1998, the Eugene City Council conducted a joint work session meeting with the Lane County Board of Commissioners and agreed to move forward with policy and text amendments to establish new Planned Transportation Corridor and Utility Corridor wetland designations as a separate ordinance.

K. On May 13, 1998, the Eugene City Council held a work session on proposed policy and text amendments related to the Planned Transportation Corridor and Utility Corridor and is now ready to take action on the proposed amendments.

L. Evidence exists within the record and the findings attached hereto that the amendments meet the requirements of Chapter 9 of the Eugene Code, 1971, and the requirements of applicable state and local law.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Based on the above findings, and the findings set forth in Exhibits B and C attached hereto and incorporated herein by reference, the amendments shown in Exhibit A are hereby adopted as amendments to the West Eugene Wetlands Plan.

Section 2. Except as amended by Ordinance No. 19867 on August 10, 1992 and Ordinance 20002 on March 6, 1995, and herein, all other provisions of the West Eugene Wetlands Plan remain in full force and effect, and the City Recorder is requested to append a copy of this Ordinance thereto.

Section 3. Notwithstanding the provisions of the Eugene Charter of 1976 and the Eugene Code, 1971, this Ordinance shall not become effective until identical provisions are adopted by the Lane County Board of Commissioners.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

Passed by the City Council this

20th day of May, 1998

City Recorder

Approved by the Mayor this

20th day of May, 1998

Mayor

Exhibit A

Amendments to the West Eugene Wetlands Plan Including New Policies and Plan Text Establishing the Planned Transportation Corridor and Utility Corridor Wetland Designations

The following amendments correspond to amendments numbered 61, 84, 85 and 86 in the February 18, 1998 Eugene City Council packet.

Add a new policy to Chapter Three of the Plan as follows and number appropriately:

> Future fill within the Planned Transportation Corridors as shown on Wetland Designations Map (Map 3) shall be limited to those areas granted state and/or federal wetland fill permits for the construction of planned public roadway improvements. New roadway construction shall be limited to those projects listed in TransPlan as of August 10, 1992, excluding those projects listed in Appendix B; no other new roads or streets are permitted. Road widening and other improvements to existing roads or streets shall be limited to those listed in TransPlan (1992) or in an adopted capital improvement plan (CIP) as of June 30, 1998. Road widening and other improvements to existing roads or streets within wetlands designated for protection or restoration shall require an amendment of this plan to change the designation to "Planned Transportation Corridor" if the project is not listed in TransPlan (1992) or in an adopted CIP as of June 30, 1998. In no case shall more than 1 acre (cumulative) of protected wetland be re-designated to Planned Transportation Corridor for improvements to an existing road or street.

Add new appendix to include:

> The following TransPlan projects are no longer planned to be constructed and are therefore not eligible for the Planned Transportation Corridor designation:
>
> #150 Extension of Beltline Road from W. 11th to W. 18th
> #162 Extension of Terry Street from W. 11th to West Eugene Parkway
> #228 Extension of Roosevelt Boulevard from Terry St. to Greenhill Road

Add the following definitions to the WEWP glossary:

> <u>utility line</u> is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose, and any cable, line or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and radio and television communication and any poles or others structures which support such

cables, lines or wires. The term "utility line" does not include activities which drain a water of the state, such as drainage tile; however, it does apply to pipes conveying drainage from another area.

best feasible technology (for utility line location) is defined as a method or technology that will provide all of the required information for a locating activity, while having the least environmental impact among the methods or technologies that the affected agency has available at the time.

Adopt a new policy as follows:

Future fill or removal within the "utility corridors" as designated on the Wetland Designation Map (Map 3) shall be conducted with an applicable U.S. Army Corps of Engineers (Army Corps) and/or Division of State Lands dredge and fill permit(s), and shall be limited to the minimum impacts necessary to:

1) conduct emergency repairs to existing utility lines,

2) conduct essential maintenance (e.g., work to maintain or optimize performance) on existing utility lines, including line locating,

3) construct connections to existing utility lines,

4) construct new utility lines,

5) move existing utility lines when necessary to maintain service or conduct emergency repairs, and when at least one of the following is true:
   a) the utility line must be moved to protect it from erosion or some other natural threat;
   b) construction of public facilities that are consistent with this plan and that conflict with an existing utility line, where such public facilities cannot reasonably be constructed without moving the utility line; or
   c) the utility line must be moved in order to maintain or repair another utility line in the same vicinity.

6) place new utility poles or replace existing utility poles, only when necessary to maintain performance or safety of above-ground utility lines. Above-ground utility lines may not be replaced with underground utility lines within wetlands designated for restoration or protection.

No other impacts are authorized by this policy. The following shall also apply to these corridors:

a. The corridors for underground utility lines shall be 20 feet wide for excavations or pipes up to 10 feet below ground surface (bgs), 30 feet wide for excavations or pipes from 10 to 15 feet bgs, and 40 feet wide for excavations or pipes deeper than 15 feet bgs. Where two utility lines are close to each other, the corridors for the lines may overlap, but impacts for work on one line are allowed only within the corridor width for that line, not the combined width of both lines.

b. The corridors for above ground utility lines shall be 10 feet wide for single pole structures and 20 feet wide for double pole ("H-style") structures.

c. The utility corridors shall be centered on an existing utility line, extending an equal distance (half the allowed width) on both sides, except for corridors for new utility lines, which shall be located as specified in subsection d below.

d. Construction of new utility lines and new connections to existing utility lines within wetlands designated for protection shall require an amendment of this plan to change the designation from "protect" to "utility line corridor." Such amendments will only be allowed where it is demonstrated that:

1) an alternatives analysis has concluded that locating the new utility line within a protected wetland is the best alternative. The alternatives analysis shall compare alternatives that are completely outside of protected wetlands and compare them to any alternatives that impact protected wetlands. The alternatives shall be evaluated by weighing engineering requirements and total environmental impacts including impacts to threatened and endangered species and their habitat, and to wetlands designated in the Plan for restoration or protection.

2) the new construction cannot reasonably be constructed completely outside of wetlands designated for protection as demonstrated in the above-referenced alternatives analysis;

3) the utility lines are located so as to reduce the impact to wetlands designated for protection as much as possible, and in no case shall a cumulative area greater than 1 acre be re-designated from "protection" to "utility corridor" for a new utility line;

4) unavoidable impacts will be mitigated through restoration of the project's entire impact area;

5) there are no impacts to wetlands from new utility lines installed within the Willow Creek Natural Area; and

6) impacts to plant and animal species on lists 1 and 2 of the Oregon Natural Heritage Program will not occur.

e. Other than the activities described in this policy, these corridors shall be treated as protected wetlands. Allowed activities shall be conducted in such a manner as to minimize adverse impacts to the maximum extent possible upon the wetlands within the corridor itself and within surrounding protected wetlands. Wetland impacts shall be limited to the minimum area necessary. Utility agencies shall use the best feasible technology to pinpoint the location of needed repairs prior to excavation in order to limit the area of impact.

f. Except for emergency repairs, these activities shall be planned and timed to minimize adverse impacts to wetlands.

g. All impacts shall be followed by restoration activities including:

1) backfilling with existing native soil within three feet of the surface whenever possible, and in no case less than two feet; and

2) grading and re-seeding and/or replanting with appropriate native plant species.

h. Any unavoidable impacts to rare plant species shall be mitigated through coordinated transplanting or other measures.

Adopt a new recommended action as follows:

The City shall, in cooperation with affected utility companies and agencies, develop guidelines or interagency agreements regarding conducting routine, essential maintenance and emergency repairs of utility lines that exist within protected wetlands. These guidelines or agreements shall address, at a minimum, the following:

a. coordination with property owner
b. coordination with City of Eugene
c. pre-planning and seasonal timing of maintenance
d. specifications for backfill, grading and replanting with native species
e. emergency repairs
f. new construction
g. conducting rare species inventories
h. vegetation removal
i. identification of appropriate access points

Exhibit B

Findings of Consistency with Oregon Statewide Planning Goals

The Eugene-Springfield Metropolitan Area General Plan is a local comprehensive plan acknowledged by the state's Land Conservation and Development Commission, and the West Eugene Wetlands Plan is an adopted refinement plan to the Metro Plan. This document contains findings that address the consistency of the attached amendments to the West Eugene Wetlands Plan with applicable Oregon Statewide Planning Goals.

These amendments to the West Eugene Wetlands Plan will result in changes to existing locally adopted policy that addresses three land use categories: natural resources, industrial and commercial lands, and residential lands. Accordingly, this analysis addresses Oregon Statewide Planning Goal 1 (Citizen Involvement), Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources), Goal 9 (Economic Development) and Goal 10 (Housing). This analysis concludes that these refinement plan amendments are consistent with applicable Oregon Statewide Planning Goals.

Background

The amendments analyzed herein are changes to policies and text of the West Eugene Wetlands Plan. They establish two new wetland designations for areas previously designated as protected wetlands. The two new designations, Planned Transportation Corridor and Utility Corridor, will allow certain kinds of work on public streets, road and utilities, while maintaining protection of the wetland against all other types of impacts. These amendments create these new designations, but do not apply them to any specific properties. The new designations will be applied to specific properties in subsequent amendments.

Planned Transportation Corridor: This designation will be primarily applied to areas previously designated for protection to allow previously planned roadway improvements. Since these areas are currently non-buildable (i.e., wetlands designated for protection) and it only allows road improvements, it will not affect the buildable land inventory when applied to these properties. The only possible impact to buildable lands would be if the designation was applied to a new wetland site not yet incorporated into the plan. In this case the area so designated would no longer be available for commercial, residential or industrial development; it could only be used for transportation facilities and enhancements.

Utility Corridor: This designation will be primarily applied to areas previously designated for protection to allow required maintenance and emergency repairs, and in limited cases, construction of new utilities. Since these previously designated areas are currently non-buildable (i.e., wetlands designated for protection) and the policy only allows utility work, it will not affect

the buildable land inventory when applied to these properties. Like the Planned Transportation Corridor above, this designation will only affect buildable lands where it is applied to new wetland sites.

Goal 1-Citizen Involvement

Statewide Goal 1 calls for local governments "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The planning and adoption process for these amendments has incorporated many opportunities for citizen involvement at all phases of the process as detailed below.

1. Preliminary staff recommendations for policy and text amendments to the West Eugene Wetlands Plan were first presented to the public in a workshop held on June 28, 1994. Notices were sent to all affected owners, and everyone on the West Eugene Wetlands Plan interested parties list (more than 800 people).

2. Another public workshop was held on December 5, 1995 to present revised staff recommendations for amendments to the public. Again, notice was sent to all affected property owners and more than 900 interested parties. Citizen and agency comments from this workshop were incorporated into the staff recommendations forwarded to the Eugene and Lane County Planning Commissions.

3. On March 18, 1996, a public hearing was held before the Eugene and Lane County Planning Commissions regarding these amendments to the West Eugene Wetlands Plan. Notice was sent to all affected property owners, all owners and occupants within 400 feet of affected properties, affected neighborhood groups and more than 900 interested parties. Bright orange notices were posted next to each affected property regarding the hearing.

4. On December 17, 1997, a second public hearing was held before the Eugene Planning Commission and the Lane County Planning Commission regarding four specific plan amendments. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

5. On February 18, 1998, a public hearing was held before the Eugene City Council and the Lane County Board of Commissioners regarding these amendments. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web

Homepage before the hearing.

6. During the February 18, 1998 hearing and subsequent comment period, comments were received from the Eugene Water and Electric Board regarding the Utility Corridor and from the Lane County Roads Advisory Committee on the Planned Transportation Corridor amendments. The amendments in Exhibit A of this Ordinance incorporate changes to the Planning Commission recommendations to address that testimony.

We find that the opportunities for citizen involvement detailed above are beyond what is necessary to achieve consistency with Goal 1.

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

The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open spaces. In addition to the Goal, the Land Conservation and Development Commission has adopted an administrative rule to aid local government in achieving the requirements of the Goal. The original Goal 5 Rule, OAR 660, Division 16, was adopted in 1991; revisions to the Goal 5 Rule were adopted in 1996 as OAR 660, Division 23. The 1991 Goal 5 Rule continues to apply to post-acknowledgment plan amendments, such as the West Eugene Wetlands Plan amendments, initiated before September 1, 1996.

Goal 5 and the 1991 Goal 5 Rule focus on the process required to prepare a Goal 5 inventory and develop a program to achieve the goal on a site-specific basis, through preservation of a resource site; allowing conflicting uses and the loss of the resource; or mitigating negative impacts associated with the conflicting uses through partial protection.

Findings:

The West Eugene Wetlands Plan (WEWP) is an approved wetland conservation plan as defined in ORS 196.800(15). Approval for the existing plan as a Wetland Conservation Plan was granted by the Oregon Division of State Lands on September 13, 1994. ORS 196.684(8) specifies the relationship between Wetland Conservation Plan approval and compliance with Goal 5:

> "Wetland conservation plans approved by the Director of the Division of State Lands pursuant to ORS 196.668 to 196.692 shall be deemed to comply with the requirements of any statewide planning goals related to wetlands, other than estuarine wetlands, for those areas, uses and activities which are regulated by the plan." [See also, ORS 197.279]

Approval of the West Eugene Wetlands Plan by the Oregon Division of State Lands (DSL) as provided by law, satisfies all the requirements of any applicable statewide planning goal related to wetlands (including Goal 5) for those areas, uses and activities which are regulated by the plan.

The amendments clarify and further refine the WEWP. The findings of goal compliance made as part of initial adoption of the WEWP remain essentially unaffected by these amendments. The amendments which create the new Planned Transportation Corridor and Utility Corridor are not site specific and do not significantly alter the function, design and structure of the WEWP. Both policies provide partial protection, allowing certain conflicting uses, as allowed under the Goal 5 process.

The fundamental program developed for Goal 5 compliance essentially remains unchanged. The policies and criteria of the WEWP operate as a tool to further Goal 5 compliance by assisting in determining the significance of wetland resources, the conflicts and the economic, social, environmental and energy values involved in protecting the resource. That analysis approaches the wetlands of West Eugene as part of an interconnected natural system rather than as separate, discrete sites. The focus remains inside the West Eugene Wetlands Special Study Area, keeping in mind that the larger system of which these wetlands are a part extends beyond this and other political boundaries.

As detailed in Exhibit C, the amendments are consistent with the applicable policies of the Metro Plan and the West Eugene Wetlands Plan. Those are the same policies previously acknowledged as being in compliance with statewide planning goals; and, in the case of the West Eugene Wetlands Plan policies, deemed to be in compliance with applicable statewide goals by DSL approval of the WEWP as a wetlands conservation plan. The plan amendments comply with ORS 196.681 to 196.684 and OAR 141, Division120. For those reasons, the Planned Transportation Corridor and Utility Corridor policy and text amendments to the West Eugene Wetlands Plan comply with Statewide Planning Goal 5.

Goal 9 - Economic Development

The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, wealth, and prosperity of Oregon's citizens.

Findings:

Industrial and Commercial Lands:

The amendments which create the new Planned Transportation Corridor and Utility Corridor will not have any impact on the supply of buildable industrial and commercial land. The policies themselves do not directly affect any specific properties. It is only when they are applied to specific properties in subsequent Plan amendments that any impact to buildable lands might result. Both policies create a wetland designation that will only be applied to wetlands that are currently designated as protected or that would be designated for protection in the absence of these new designations. The majority of sites where the new designations will be applied will be in wetlands now designated for protection, and, therefore, not presently available for industrial or commercial development. In short, these new designations will not preclude any development

except when applied to previously undesignated sites, and in fact will facilitate certain kinds of development where it was previously prohibited. For these reasons, the Planned Transportation Corridor and Utility Corridor policy and text amendments to the West Eugene Wetlands Plan comply with Statewide Planning Goal 9.

Goal 10 - Housing

The purpose of Goal 10 is to provide for housing needs of the citizens of the state.

Findings:

The amendments which create the new Planned Transportation Corridor and Utility Corridor will not have any impact on the availability of land for construction of housing. The policies themselves do not directly affect any specific properties. It is only when they are applied to specific properties in subsequent Plan amendments that any impact to buildable lands might result. Both policies create a wetland designation that will only be applied to wetlands that are currently designated as protected or that would be designated for protection in the absence of these new designations. The majority of sites where the new designations will be applied will be in wetlands now designated for protection, and, therefore, not presently available for residential development. In short, these new designations will not preclude any development except when applied to previously undesignated sites, and in fact will facilitate certain kinds of development where it was previously prohibited. For these reasons, the Planned Transportation Corridor and Utility Corridor policy and text amendments to the West Eugene Wetlands Plan comply with Statewide Planning Goal 10.

Conclusions

The above findings show that these amendments to the West Eugene Wetlands Plan are consistent with Oregon Statewide Planning Goals 1, 5, 9 and 10. This conclusion is based on the following: 1) the policies have no impact on the supply of industrial, commercial and residential land, 2) the abundant opportunities provided for citizen involvement throughout the planning process and 3) these amendments do not significantly alter the basic structure and function of the West Eugene Wetlands Plan and its protection of wetland resources. No further analysis of Statewide Planning Goals is necessary for these amendments to the West Eugene Wetlands Plan.

Exhibit C

Findings of Consistency with Refinement Plan Amendment Criteria

Section 9.145 of the Eugene Code (1971) ("EC") provides the criteria to determine whether a proposed plan amendment should be approved. The proposed amendments must be consistent with the criteria in EC 9.145 to be approved.

> Section 9.145(2) "The planning commission shall review the proposed amendment and receive evidence, and decide whether the proposed change is consistent with the following approval criteria: (a) The plan amendment is consistent with the Metropolitan Area General Plan;"

Findings:

> The attached ordinance does not contain any plan diagram changes. Therefore, these amendments are consistent with the Metro Plan diagram.
>
> The Metro Plan contains the following policies which address the proposed amendments (related findings follow each policy):
>
> > Policy 1, page III-B-4: "Demonstrate a positive interest in existing and new industries, especially those providing above average wage and salary levels, an increased variety of job opportunities, a rise in the standard of living, and utilization of our existing comparative advantage in the level of education and skill of the resident labor force."
> >
> > > While none of the proposed amendments addresses this policy directly, the amendments provide indirect support for new and existing industry through facilitating maintenance, repair and improvement to infrastructure on which industry depends.
> >
> > Policy 5, page III-B-5: " Provide existing industrial activities sufficient adjacent land for future expansion."
> >
> > > None of the proposed policy amendments specifically addresses preservation of land for expansion of existing industrial development.
> >
> > Policy 18, page III-B-6: "Encourage the development of transportation facilities which would improve access to industrial and commercial areas and improve freight movement capabilities by implementing the policies and projects in the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan)..."
> >
> > The Planned Transportation Corridor policy, would specifically encourage

development of transportation facilities that will provide access to industrial and commercial land in West Eugene. This policy acknowledges the importance of transportation facilities that are included in adopted transportation plans, and allows construction of those projects within wetland areas that would otherwise be protected. Many of these planned facilities in west Eugene are adjacent to and would provide access to industrial land and existing industrial development. Therefore these amendments are consistent with this policy.

Policy 18, page III-C-9: "Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas."

This policy sets direction for future legislative implementation of the goals and policies of the Metro Plan and is not intended to be applied to a specific action or proposal. In addition, the West Eugene Wetlands Plan as a whole is a plan which outlines a program for management of development in and around wetlands to protect values as described in Policy 18.

Policy 19, page III-C-9: "Local governments shall develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan Update."

This policy sets direction for future legislative implementation of the goals and policies of the Metro. The West Eugene Wetlands Plan, which contains policies and local land use controls for wetlands in west Eugene, was adopted in 1992. The current proposed amendments will update the 1992 Plan. The proposed text amendments do not affect policies which prescribe the primary wetland protection measures to be implemented: wetland acquisition, wetland buffers and waterside setbacks. The proposed amendments will include provisions which address protection and management of wetland areas, and therefore they are consistent with this policy.

Policy 27, page III-C-10: "Local governments shall encourage further study by specialists of endangered and threatened plant and wildlife species in the metropolitan area."

Although it does not specifically address study of rare plants, the proposed language for the Utility Corridor policy specifically calls for avoiding rare plants when siting new utility lines, which will help retain current plant populations for possible future study. Similarly, the Planned Transportation Corridor policy requires that "roadway alignments shall be designed and constructed so as to avoid or minimize cumulative impacts to wetland functions and values, rare species and rare species habitat." These amendments include provisions which will protect rare plants, ensuring they are

available for future study, which is consistent with the above policy.

Policy 28, page III-C-10: "Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input."

The proposed language for the Utility Corridor policy specifically calls for avoiding rare plants when siting new utility lines, helping to protect current plant populations, which is consistent with this policy. The Planned Transportation Corridor policy requires that "roadway alignments shall be designed and constructed so as to avoid or minimize cumulative impacts to wetland functions and values, rare species and rare species habitat." The policy requires minimizing or avoiding impacts to rare species and their habitat, which is consistent with the above policy.

Policy 29, page III-C-11: "Local governments shall work with owners of designated environmentally-sensitive areas to require that reasonable actions are taken to protect these lands, e.g., the heronry at the confluence of the Willamette and McKenzie Rivers and the site of the Aster curtus in the Willow Creek Basin."

There are two sites within the West Eugene Wetlands Plan area that are designated in the Metro Plan as environmentally sensitive. They are the Willow Creek Natural Area and Bertelsen Slough. These amendments do not change the status of these sites, and are therefore consistent with this policy.

Policy 2, page III-E-3: "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental and energy consequences in the design and construction of urban development and landscaping shall be utilized to enhance those natural features."

The proposed Planned Transportation Corridor and Utility Corridor policies include provisions that require protection of rare species and minimization of impacts to wetlands. Although these policies will allow certain impacts within wetlands that were formerly designated for complete protection, the work authorized under these policies will only affect a small percentage of the wetlands now designated for protection. In addition, for underground utility work, restoration of the impact area is required. These provisions make the two policies consistent with the "shall be protected and retained" portion of the above policy. The reference to "economic, social, environmental and energy impacts" comes from statewide planning Goal 5. See Exhibit B, discussion of Goal 5 (incorporated herein by reference) for determination of consistency of these amendments with Goal 5.

Summary Conclusions: Metro Plan Consistency

The findings above indicate consistency with all applicable Metro Plan policies. Therefore , the proposed amendments meet the criterion of Metro Plan consistency.

Section 9.145(2)(b): "The plan amendment is consistent with remaining portions of the refinement plan;"

Findings:

The West Eugene Wetlands Plan contains the following applicable Goals (related findings follow each Goal):

Goal 3.1 "Protect and enhance water quality, wildlife habitat, flood storage sediment and toxicant removal and other wetland functions and values."

Although the Planned Transportation Corridor and Utility Corridor policies would allow certain impacts within wetlands now designated for protection, both policies also include provisions to minimize impacts. The Planned Transportation Corridor policy requires that "roadway alignments shall be designed and constructed so as to avoid or minimize cumulative impacts to wetland functions and values, rare species and rare species habitat." This requirement will help prevent disturbance of wetlands, water features and natural vegetation within the project area. The Utility Corridor policy contains provisions that require avoiding impacts to rare species, restoration of impact areas, use of technologies that minimize impacts to wetlands and timing utility work so as to minimize impacts. By minimizing impacts to wetlands and the wildlife habitat, water quality benefits and vegetation they provide, these proposed amendments are consistent with the above policy.

Goal 3.2 "Minimize economic hardship on private property owners due to protection of wetlands and other valuable environmental resources."

The Planned Transportation Corridor policy and the Utility Corridor policy both will enable utility and municipal agencies to make needed repairs to infrastructure that private development depends on. These provisions will help to avoid exorbitant costs of avoiding all wetland impacts in wetland maintenance and repair, and will help prevent damage to private property by facilitating needed repairs and maintenance to public utility facilities. These measures will help protect private property owners from certain costs associated with protection of wetlands, and are therefore consistent with Goal 3.2.

Goal 3.5 "Protect and expand current populations and habitats of rare, endangered and threatened plants and animals that currently exist in west Eugene."

The proposed language for the Utility Corridor policy specifically calls for avoiding rare plants when siting new utility lines, which will help to protect current plant populations. The Planned Transportation Corridor policy requires that "roadway alignments shall be

designed and constructed so as to avoid or minimize cumulative impacts to wetland functions and values, rare species and rare species habitat." These policies require minimizing or avoiding impacts to rare species and their habitat, which is consistent with the above policy.

Goal 3.6 "Achieve state and federal requirement of "no net loss" of wetlands in both quantity (area) and quality (functions and values)."

The West Eugene Wetlands Plan addresses the "no net loss" policy through protection of valuable wetlands combined with coordinated restoration of degraded or former wetlands to replace those that are filled. This approach is not changed by the proposed amendments.

Goal 3.7 Protect an interconnected system of wetlands within a sustainable, ecologically sound system, with a high likelihood of long-term survival.

The proposed language for the Utility Corridor policy calls for minimizing wetland impacts and maintaining protection of areas not disturbed by required utility repairs or maintenance. The proposed Planned Transportation Corridor policy requires that "roadway alignments shall be designed and constructed so as to avoid or minimize cumulative impacts to wetland functions and values, rare species and rare species habitat," and requires that areas not specifically required for a road improvement project be protected. These provisions will help reduce fragmentation of the wetland system, and help to maintain the inter-connected system called for in the plan, which is consistent with the above policy.

The West Eugene Wetlands Plan contains the following applicable Policies (related findings follow each policy):

Policy 3.1 "Seek acquisition of protected wetland sites by federal, state and local public agencies and private, non-profit conservation organizations."

This policy is not applicable.

Policy 3.5 "Along with Lane County and the State of Oregon, protect wetlands on public lands in the Eugene wetlands study area and restore wetlands on public lands."

Many of the wetlands currently designated for protection are now publicly owned. Some of these wetlands contain existing underground or above-ground utilities, which would be affected by these policies. In both the Planned Transportation Corridor policy and the Utility Corridor policy, there are provisions that limit impacts to the minimum necessary to accomplish the road improvement or utility repair. In addition, the Utility Corridor policy requires that wetlands disturbed by maintenance or repair activities must be restored with native backfill, grading and re-planting with native species. These

requirements will help to protect wetlands on public lands, and therefore these policies are consistent with Policy 3.5.

Summary Conclusions: West Eugene Wetlands Plan Consistency

The above findings indicate that the proposed amendments are consistent with the applicable policies in the remainder of the WEWP. The proposed amendments meet the criterion of consistency with the remainder of the refinement plan.

Section 9.145 (2)(c) "The plan amendment is found to address one or more of the following: 1. An error in the publication of the plan;"

Findings: The proposed amendments do not contain any corrections of errors in the original Plan. However, the amendments do address omissions from the original Plan. Planned transportation projects and underground utilities within protected wetlands were not addressed in the original Plan. These policies will address those omissions.

Section 9.145 (2)(c) 2. "A change of circumstances in a substantial manner not anticipated in the plan;"

Findings: After the West Eugene Wetlands Plan was adopted, the state adopted new regulations that define what kinds of impacts can occur within a wetland designated for protection in a Wetland Conservation Plan. These new regulations were not foreseen at the time of adoption, and created a situation where certain repair or maintenance activities on public utilities may be prohibited. These proposed amendments address this conflict, and are therefore consistent with the code provisions above.

Section 9.145 (2)(c)3. "Incorporation into the plan of new inventory material which relates to a statewide goal; or"

Findings: Not applicable.

Section 9.145 (2)(c) 4. "A change in public policy."

Findings: The new Planned Transportation Corridor designation applies within wetlands previously designated for protection or restoration, and where a previously adopted plan calls for a new road or widening of an existing road. The Planned Transportation Corridor allows only the planned transportation facility to be constructed there, prohibiting any other development of the area, and provides for protection of the corridor if the transportation project is not constructed.

This change is introduced at this time in response to recent changes in the Oregon Administrative Rules which govern the Oregon Division of State Lands administration of the state's wetland regulatory system. These changes, approved after adoption of the

Plan in 1992, included provisions for allowing "utilities and transportation facilities not built, but specifically identified in the acknowledged local comprehensive plan " within otherwise protected areas (OAR 141 Division 120, subsection 030(15)). The amendments listed above, in response to the changes to OAR, ensure consistency between the Plan designation and policy contained in TransPlan, also a refinement plan to the Metro Plan.

The Utility Corridor policy addresses underground utilities within otherwise protected wetlands. The Oregon Division of State Lands adopted administrative rules which establish allowed uses within protected wetlands were adopted after the original West Eugene Wetlands Plan was adopted. These amendments (and accompanying site designation amendments) allow for emergency repairs and maintenance to these facilities. Without these amendments, such repairs would have been illegal.

The proposed amendments listed above which address planned transportation projects respond to changes in state regulations and thus are also consistent with this criterion. The proposed amendments which address underground utilities within protected wetlands address new state administrative rules and thus are consistent with this criterion.

Summary Conclusions:

Each of the proposed amendments meet the criteria under Eugene Code sections 9.145(2)(a) and (2)(b) and one or more of the criteria for approval of a refinement plan amendment as set forth in Eugene Code section 9.145(2)(c).

Based upon the discussion, findings and conclusions herein (above) the Eugene City Council finds the proposed amendments to be consistent with the applicable criteria contained in Eugene Code Section 9.145.

C:\User\NEIL\WEWPAM\PTC-UC Package\Ord1B, Exhibit C, PTC & UC.wpd–May 13, 1998

ORDINANCE NO. 20126

AN ORDINANCE AMENDING THE WEST EUGENE WETLANDS PLAN BY ADOPTING NEW OR REVISED PLAN POLICIES AND REVISING PLAN TEXT

The City Council of the City of Eugene finds that:

A. On May 20, 1992, the Eugene City Council adopted Ordinance No. 19853 adopting the West Eugene Wetlands Special Area Study, a refinement plan to the Eugene-Springfield Metropolitan Area General Plan, subsequently amended in part by Ordinance No. 19867 adopted by the City Council on August 10, 1992.

B. On March 6, 1995, the Eugene City Council adopted Ordinance No. 20002 amending the West Eugene Wetlands Special Area Study and changing the name to the West Eugene Wetlands Plan.

C. The City of Eugene has initiated additional amendments to the West Eugene Wetlands Plan to amend Plan policies and text, and to adopt wetland designations for certain properties located within the Plan boundary.

D. On March 19, 1996, the Eugene Planning Commission conducted a joint public hearing with the Lane County Planning Commission on draft amendments to the West Eugene Wetlands Plan.

E. On May 6, 1996, the Eugene Planning Commission voted unanimously to recommend approval of amendments to the West Eugene Wetlands Plan. On June 4, 1996, the Lane County Planning Commission recommended approval of the amendments to the Lane County Board of Commissioners, subject to review of testimony and evidence submitted after the close of the record and not available to the Planning Commission at the time of its deliberation.

F. On December 17, 1996, the Eugene Planning Commission conducted a second joint public hearing with the Lane County Planning Commission on new evidence related to wetland designations submitted after the close of the Planning Commission record.

G. On May 5 and May 12, 1997, the Eugene Planning Commission reaffirmed its recommendation for wetland designations for the Speedway site, modified its recommendation for the EWEB substation site, and forwarded a new recommendation to address underground utilities within protected wetlands. On December 8, 1997, the Eugene Planning Commission reaffirmed its recommendation for the Hyundai site.

H. On September 16 and December 16, 1997, the Lane County Planning Commission voted to make no changes to its June 4, 1996 recommendations for wetland designations for the Speedway and Hyundai sites and took no action on the revised Eugene Planning Commission recommendation for the EWEB substation site and new Eugene Planning Commission recommendation related to underground utilities within protected wetlands.

I. On February 18, 1998, the Eugene City Council conducted a joint public hearing with the Lane County Board of Commissioners on recommended amendments to policies and text of the West Eugene Wetlands Plan.

J. On April 8, 1998, the Eugene City Council conducted a joint work session meeting with the Lane County Board of Commissioners and agreed to move forward with policy and text amendments to establish new Planned Transportation Corridor and Utility Corridor wetland designations as a separate ordinance.

K. On May 20, 1998, the Eugene City Council adopted Ordinance No. 20119 amending the West Eugene Wetlands Plan to establish the Planned Transportation Corridor and Utility Corridor wetland designations.

L. On June 17, 1998, the Eugene City Council held a work session on the remaining proposed policy and text amendments and is now ready to take action on the amendments as set forth in Exhibit A.

M. Evidence exists within the record and the findings attached hereto that the amendments meet the requirements of Chapter 9 of the Eugene Code, 1971, and the requirements of applicable state and local law.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Based on the above findings, and the findings set forth in Exhibits B, C and D attached hereto and incorporated herein by reference, the amendments shown in Exhibit A are hereby adopted as amendments to the West Eugene Wetlands Plan.

Section 2. Except as amended by Ordinance No. 19867 on August 10, 1992, Ordinance 20002 on March 6, 1995, and Ordinance 20119 on May 20, 1998 and herein, all other provisions of the West Eugene Wetlands Plan remain in full force and effect, and the City Recorder is requested to append a copy of this Ordinance thereto.

Section 3. Notwithstanding the provisions of the Eugene Charter of 1976 and the Eugene Code, 1971, this Ordinance shall not become effective until identical provisions are adopted by the Lane County Board of Commissioners.

Section 4. The City Recorder, with the concurrence of the City Attorney and County Counsel, is authorized to administratively renumber any provisions of the West Eugene Wetland Plan (Plan) at the time the provisions adopted herein are incorporated into the Plan.

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

Passed by the City Council this

8th day of July, 1998

City Recorder

Approved by the Mayor this

8th day of July, 1998

Mayor

Exhibit A

Amendments to the West Eugene Wetlands Plan

Policy Amendments

[Numbering begins with 61 to maintain consistency with numeric references to specific amendments in earlier documents. Text to be added is shaded and text to be deleted is ~~struck out~~.]

61. (Included in Ordinance No. 20119 adopted by the City Council on May 20, 1998 and Ordinance No. PA 1117, adopted by the Board of County Commissioners on June 24, 1998.)

62. Move protection and development criteria from Appendix B to Chapter 3, upgrade criteria to policy status and amend as follows:

3.17 The following criteria shall be used to determine which sites or portions of sites will be designated for protection or development in this plan. Sites that meet Protection Criterion #2 shall be designated for protection. Sites that meet Development Criterion #1 shall be designated for development. Sites which have very strong values for Protection Criteria 1, 6, 7, or 8, or which have moderate values for 5 or more Protection Criteria and low or no values for Development Criteria shall be designated for protection. Sites which have high values for three or more Development Criteria and low or no values for Protection Criteria shall be designated for Development. Sites which have high values for both Protection and Development Criteria shall be examined on a case by case basis to determine what portions most warrant a protection designation and what portions most warrant development designation.

Protection

1. ~~Presence of rare plants.~~ Site contains population(s) of one or more rare plant or animal species and contains sufficient and suitable habitat for the long-term protection of the population(s). This criterion is not met if only small occurrences of a species are found on a site with limited suitable habitat that is isolated from other undeveloped parcels.
2. Site ~~has Metropolitan Plan designation of~~ is designated "Natural Resource" on the Metropolitan Area General Plan diagram.
3. Site is primarily within the 100 year floodplain.

4. Site is ~~near a perennial waterway~~ within 100 feet of Amazon Creek or the A-3 Channel.
5. Site is ~~connected~~ geographically or hydrologically connected to other wetlands or waterways.
6. Site contains a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region.
7. Site has unique characteristics which make it of special importance to the functioning of the larger wetland system in West Eugene, and protection of site would further the goals and objectives of this plan.
8. ~~Presence of unique Willamette Prairie Grassland plant community~~. Site contains indigenous wet prairie habitat. This criterion is intended to apply to areas of wet prairie habitat that are large or of moderate to high quality.
9. Site characteristics, including size, location and surrounding uses and activities are such that there exists a high probability that the site can be protected in perpetuity through the West Eugene Wetlands Program.

Development

1. Prior to adoption of this plan or prior to inclusion of site in this plan, site has received an approved wetland impact permit from the Oregon Division of State Lands and the U.S. Army Corps of Engineers, or an approved Final Environmental Impact Statement which justifies fill and development of the site.
2. ~~The~~ Site is relatively isolated or disconnected from the larger system of wetlands and waterways.
3. ~~The~~ Site is served by existing streets, roads, sanitary sewers and municipal water.
4. ~~The~~ Site is adjacent to or surrounded by existing development.
5. ~~The~~ Site has frontage on a major highway or street.
6. Site has unique characteristics which make it of special importance to the economic development of West Eugene, and allowing development of site would further the goals and objectives of this plan.

63. Add a new policy:

"Local governments shall not issue grading or building permits within areas mapped as jurisdictional wetland in the West Eugene Wetland Plan area unless the applicant has an approved state/federal wetland fill permit for the proposed project."

64. Add a new policy which gives specific criteria for identifying mitigation sites:

Any site or portion of a site that is providing compensatory wetland mitigation as part of an approved state or federal wetland fill permit shall be designated for restoration. For all other sites, the following criteria shall be used to determine which sites or portions of

sites will be designated for restoration (mitigation) in this plan:

1. Site contains hydric soils.
2. Site is either a disturbed agricultural wetland or previously exhibited wetland characteristics.
3. Site is capable of providing adequate wetland hydrology.
4. Site does not currently benefit from municipal infrastructure and urban services.
5. Site is either larger than 15 acres or is contiguous with a protected waterway as depicted on Wetland Designations Map (Map 3) of this plan.

65. Add a new policy:

> "Designations are intended to apply only to jurisdictional wetlands as determined by the Oregon Division of State Lands and the U.S. Army Corps of Engineers. Wetland Designations Map (Map 3) shows adopted designations for wetlands within the plan area, but does not necessarily depict the most current or accurate wetland boundaries. The West Eugene Wetland Conservation Plan Inventory (WCPI) Map should be used to determine existing mapped wetland boundaries. Mapping of wetland boundaries shall be revised through periodic updates to the WCPI map, which can occur without amending this plan, by administrative order of the City Manager. Following a revision in the WCPI map, designations shall apply only to the previously designated area which remains a jurisdictional wetland on the revised WCPI map. Newly-determined wetlands on the revised WCPI map shall remain undesignated until this Plan is amended to specifically designate those new wetland areas."

66. Move Policy 4.20 to Chapter 3 and amend as follows:

"~~Adopt the protection and development criteria, contained in Appendix B, as the basis for the classification of the wetland sites shown on WEWSAS Map 3 and , for any new sites, a~~ Apply ~~these~~ the criteria in policy 3.17 to any newly delineated wetlands to determine their protection/development status."

67. Add a new policy as follows:

The West Eugene Wetland Program partners shall develop a strategy for conservation of rare plant habitat in the Plan area.

68. Add a new policy as follows:

Pursue interim protection of sites which contain rare species, but do not meet the criteria for protection in Policy 3.17 through conservation easements or other measures until either (1) the affected species are de-listed or (2) conservation agreements are reached between the property owner and affected natural resources agencies to address the rare

species populations.

69. (This amendment has been removed from this ordinance and will be considered in conjunction with the site specific amendments.)

70. Add a new policy:

"Constructed roadside ditches which may exhibit wetland characteristics are not mapped or addressed by this plan."

71. Amend Policy 3.5 as follows:

Along with Lane County and the State of Oregon, protect wetlands on public lands in the west Eugene wetlands study area and restore wetlands on public lands consistent with Wetland Designations Map (Map 3).

72. Add a new policy:

The West Eugene Wetland Program partners shall continue to pursue and support the use of degraded wetlands designated for development for on-site stormwater treatment.

73. Add a new Policy 4.7 as follows:

Mitigation projects will occur within the area of the Long Tom River watershed and its tributary streams, as shown on Study Area Map (Map 2).

74. Add a new Policy 4.8 to read:

"Historic wetlands and disturbed agricultural wetland sites are the preferred areas for mitigation projects."

75. Add a new policy to read:

"Guided by the Conceptual Plan Map (Map 4), a three-year capital improvement plan will be prepared for the Mitigation Bank program, identifying mitigation sites, mitigation methods to be undertaken, number of mitigation areas, and approximate mitigation credits to be realized."

76. Add a new policy to read:

"While compensatory mitigation may be achieved through any one mitigation method or combination of methods (i.e., restoration, enhancement, creation), restoration is the preferred method."

77. Amend Policy 4.9 to read:

4.9 "Establish, develop, and maintain a regional wetland mitigation bank program that will ~~provide~~ establish a mitigation credit system ~~capacity~~ for serving the West Eugene Wetlands Plan ~~Study Area~~, the balance of the Eugene urban growth boundary and the Eugene Airport proper."

78. Amend policy 4.14:

All mitigation must be completed in advance or concurrent with development, except as otherwise provided in approved standard individual wetland permits or signed intergovernmental agreements between the City, the Oregon Division of State Lands and the U.S. Army Corps of Engineers."

79. (This amendment has been removed from this ordinance and will be considered along with the site specific amendments.)

80. Amend Policy 4.19 as follows:

"4.19 Allow development of wetlands that meet the criteria for wetland development contained in ~~Appendix B of the Plan~~ Policy 3.17, as illustrated on the Wetland Designations Map (Map 3)."

81. Amend Policy 4.21 to read:

4.21 "Use the West Eugene Wetland Conservation Plan Inventory map ~~WEWSAS wetland delineation map, the functions and Values detailed in the WEWSAS Technical Report and those sites recommended for development on Map 3~~, as the basic inventory for identifying wetland ~~acres~~ sites and~~,~~ functions and values to be filled ~~developed~~ and replaced."

82. Amend Policy 4.22 to read:

4.22 "Provide flexibility in the provisions of the mitigation program so that conditions unique to certain properties can be resolved at the administrative level provided the ~~proposal~~ conditions meets the basic intent, purpose, and criteria of ~~WEWSAS~~ this Plan."

83. Amend Policy 4.24 as follows:

4.24 "Unless designated as a mitigation site in this Plan or as part of on-site mitigation requirements, buildable lands that are within the UGB and designated for commercial or industrial use should ~~shall~~ not be used for mitigation."

84. (Included in Ordinance No. 20119 adopted by the City Council on May 20, 1998 and Ordinance No. PA 1117 adopted by the Board of County Commissioners on June 24, 1998. Additional changes are included here.)

Revise new policy adopted by Council Ordinance No. 20119 and Board Ordinance No. PA 1117 as follows:

Future fill or removal within the "utility corridors" as designated on the Wetland Designation Map (Map 3) shall be conducted with an applicable U.S. Army Corps of Engineers (Army Corps) and/or Division of State Lands dredge and fill permit(s), and shall be limited to the minimum impacts necessary to:

1) conduct emergency repairs to existing utility lines,

2) conduct essential maintenance (e.g., work to maintain or optimize performance) on existing utility lines, including line locating,

3) construct connections to existing utility lines,

4) construct new utility lines,

5) move existing utility lines when necessary to maintain service or conduct emergency repairs, and when at least one of the following is true:
   a) the utility line must be moved to protect it from erosion or some other natural threat;
   b) construction of public facilities that are consistent with this plan and that conflict with an existing utility line, where such public facilities cannot reasonably be constructed without moving the utility line; or
   c) the utility line must be moved in order to maintain or repair another utility line in the same vicinity.

6) place new utility poles or replace existing utility poles, only when necessary to maintain performance or safety of above-ground utility lines. Above-ground utility lines may not be replaced with underground utility lines within wetlands designated for restoration or protection.

No other impacts are authorized by this policy. The following shall also apply to these corridors:

a. The corridors for underground utility lines shall be 20 feet wide for excavations or pipes up to 10 feet below ground surface (bgs), 30 feet wide for excavations or pipes from 10 to 15 feet bgs, and 40 feet wide for excavations or pipes deeper than 15 feet bgs. Where two utility lines are close to each other, the corridors for

the lines may overlap, but impacts for work on one line are allowed only within the corridor width for that line, not the combined width of both lines.

b. The corridors for above ground utility lines shall be 10 feet wide for single pole structures and 20 feet wide for double pole ("H-style") structures.

c. The utility corridors shall be centered on an existing utility line, extending an equal distance (half the allowed width) on both sides, except for corridors for new utility lines, which shall be located as specified in subsection d below.

d. Construction of new utility lines and new connections to existing utility lines within wetlands designated for protection shall require an amendment of this plan to change the designation from "protect" to "utility line corridor." Such amendments will only be allowed where it is demonstrated that:

1) an alternatives analysis has concluded that locating the new utility line within a protected wetland is the best alternative. The alternatives analysis shall compare alternatives that are completely outside of protected wetlands and compare them to any alternatives that impact protected wetlands. The alternatives shall be evaluated by weighing engineering requirements and total environmental impacts including impacts to ~~threatened and endangered~~ rare species and their habitat, and to wetlands designated in the Plan for restoration or protection.

2) the new construction cannot reasonably be constructed completely outside of wetlands designated for protection as demonstrated in the above-referenced alternatives analysis;

3) the utility lines are located so as to reduce the impact to wetlands designated for protection as much as possible, and in no case shall a cumulative area greater than 1 acre be re-designated from "protection" to "utility corridor" for a new utility line;

4) unavoidable impacts will be mitigated through restoration of the project's entire impact area;

5) there are no impacts to wetlands from new utility lines installed within the Willow Creek Natural Area; and

6) impacts to rare plant and animal species ~~on lists 1 and 2 of the Oregon Natural Heritage Program~~ will not occur.

e. Other than the activities described in this policy, these corridors shall be treated as protected wetlands. Allowed activities shall be conducted in such a manner as to

minimize adverse impacts to the maximum extent possible upon the wetlands within the corridor itself and within surrounding protected wetlands. Wetland impacts shall be limited to the minimum area necessary. Utility agencies shall use the best feasible technology to pinpoint the location of needed repairs prior to excavation in order to limit the area of impact.

f. Except for emergency repairs, these activities shall be planned and timed to minimize adverse impacts to wetlands.

g. All impacts shall be followed by restoration activities including:

1) backfilling with existing native soil within three feet of the surface whenever possible, and in no case less than two feet; and

2) grading and re-seeding and/or replanting with appropriate native plant species.

h. Any unavoidable impacts to rare plant species shall be mitigated through coordinated transplanting or other measures.

85. (This amendment was combined with #84 and included in Ordinance No. 20119 adopted by the City Council on May 20, 1998 and Ordinance No. PA 1117 adopted by the Board of County Commissioners on June 24, 1998.)

86. (This amendment was addressed in Ordinance No. 20119 adopted by the City Council on May 20, 1998 and Ordinance No. PA 1117 adopted by the Board of County Commissioners on June 24, 1998.)

87. Add a new policy:

"The plant and animal species listed below shall be considered rare for the purposes and policies of this Plan:"

Rare Plants:

white-topped aster	*Aster curtus*
Willamette daisy	*Erigeron decumbens var. decumbens*
shaggy horkelia	*Horkelia congesta*
Bradshaw's lomatium	*Lomatium bradshawii*
timwort	*Cicendia quadrangularis*

Rare Animals:

northwestern pond turtle	*Clemmys marmorata marmorata*

Fender's blue butterfly	*Icaricia icarioides fenderi*"

88. Add a new policy:

"The plant and animal species listed below are not officially considered rare, but shall be considered for addition to the list of rare species if they are confirmed to be present within the West Eugene Wetlands Plan area:

Plant Watch List:

retrorse sedge	*Carex retrorsa*
Howell's montia	*Montia howellii*
toothcup	*Rotala ramosior*

Animal Watch List:

Taylor's checkerspot butterfly	*Euphydryas editha taylori*
Pacific western big-eared bat	*Corynorhinus townsendii townsendii*"

89. Amend Goal 3.5 as follows:

3.5 Protect and expand current populations and habitats of rare~~, endangered and threatened~~ plants and animals that currently exist in west Eugene.

Non-policy Amendments

Miscellaneous

1. Incorporate WEWP logo where appropriate (cover, maps, charts, etc.).

2. Change all references to Map 3 to reflect new map title "Wetland Designations"

3. Correct typographical errors
   a. Page 25, Recommended Action 3.11 ("management")
   b. Page 35, Policy 4.13 ("of ~~the~~ this plan")
   c. Page 52, Recommended Action 6.4. ("encourage")
   d. Page 63, formatting in Goals 7.1 and 7.2

Title Page

4. Change date

Acknowledgments

5. Add Dave Kurkoski (ACOE), Carie Fox (ACOE), Joel Shaich (EPA), Dana Siegfried (DEQ) to the list of TAC members

6. Update Eugene Planning and Development Department address

7. List 1992 Planning Commission members and note involvement in original plan development, add 1994-1997 Planning Commission members and note involvement of latter in revision of plan

8. Add a paragraph describing the west Eugene wetland partnership:

   The west Eugene wetlands are managed through a formal partnership among the City of Eugene, The Nature Conservancy, the U.S. Bureau of Land Management, the U.S. Army Corps of Engineers, and the Oregon Youth Conservation Corps. The partnership may change over time. The goal of the partnership is to manage the wetland system in a cooperative manner. The partners dedicate resources within their respective budgets to carry out this plan with attention to their own missions and legal requirements.

9. On page iv, replace existing second sentence with the following:

   Forty percent of the funds for the preceding West Eugene Wetlands Special Area Study were provided by the Environmental Protection Agency through a water

quality/wetlands planning grant. This plan is printed on recycled paper--when you are finished with it, please recycle it or share it with someone else.

Table of Contents

10. Update page numbers.

11. Move Public Facility Projects Table (was Table 4) and Public Facility Projects Map (was Map 6) to a new appendix.

12. Update and renumber list of appendices to reflect other changes.

List of Maps and Tables

13. Change title of Map #3 to "Wetland Designations".

14. Move Public Facility Projects Map and Public Facility Projects Table to appendix and renumber maps and tables as necessary.

15. Remove wetland and waterway setbacks from Map 4 (Concept Map).

Preface

16. Add a paragraph summarizing the amendment adoption process.

Chapter 1

17. On page 3, change first two sentences in third paragraph to: "To implement existing federal and state wetland law and policy, the Plan ~~recommends protection of~~ designates the most valuable remaining wetlands for protection. Sites with large populations of rare plants are ~~proposed~~ designated for protection."

18. On page 3, change last sentence in third paragraph to "~~Screening~~ Buffering techniques will be used to protect wetlands from the effects of adjacent land uses".

19. On page 4, change the first sentence in 3rd paragraph to: "The Plan ~~examines and recommends~~ calls for implementation of a number of wetland protection measures."

20. On page 4, change the third sentence in 3rd paragraph to: "~~Until funds become available for acquisition, the existing federal and state wetland regulatory processes will continue to be the primary means for insuring wetland protection~~ Prior to acquisition, the existing federal and state wetland regulatory processes in conjunction with the

policies in this plan will be the primary means for ensuring wetland protection."

21. On page 4, change the 5th sentence in 3rd paragraph to: "~~When the City obtains a federal regional permit and a state approved wetland conservation plan, the administration of the permitting process will be transferred to the City of Eugene~~ The plan is aimed towards transferring, in part or in whole, the administration of state and federal wetland fill permitting processes to the City of Eugene, concurrent with or subsequent to City adoption of other protection measures specified in this Plan."

22. On pages 5-6, update sections on "Stormwater Management", "Water Quality Improvements" and"Improved Flood Control" to reflect adoption of Comprehensive Stormwater Management Plan and development of Amazon Channel Enhancement project.

23. On page 6, change the 1st sentence in the third paragraph to read "Within the managed wetland system, large populations of rare plants will be protected."

Chapter 2

24. On page 11, change 2nd sentence in third paragraph to read: "With a population of approximately 122,000 (July 1995 estimate) Eugene is second largest city in Oregon; Portland being the largest."

25. On page 12, add the following paragraph at the end of the section titled "Plan Documents":

    Other important documents developed during the planning and implementation phases of the project include the "Final Report for West Eugene Supplemental Inventory" (Revised January 1995), the "Revised Alternatives Analysis" (an update of Chapter 7 of the Technical Report) (October 1993), "Mitigation Options for Eight Sites in West Eugene" (February 1993), "Assessment of Proposed Mitigation Areas in West Eugene" (February 1993), the "1994 West Eugene Wetlands Annual Report" (February 1995), and the "Eastern Gateway Restoration Project Annual Report" (January 1995).

26. On page 13, revise item #8 as follows: "~~Response to development proposals in the area~~ Review of land use applications and building permits."

Chapter 3

Map 3 Legend

27. Add notation to new Planned Transportation Corridor designation:

Future fill within the Planned Transportation Corridor designation shall be limited to those areas granted state and/or federal wetland fill permits for the construction of planned public roadway improvements. All other wetlands within these corridors shall be protected.

28. Remove label for "Upland Mitigation Sites" and add labels for "Planned Transportation Corridor" and "Utility Corridor".

29. Add a disclaimer to Map 3:

    "This map is a generalized map, and should not be used to identify location of wetland boundaries. For wetland boundaries refer to the accepted Wetland Conservation Plan Inventory Map."

30. Change map title to "Wetland Designations"

31. Change legend on Map 3 as follows: "Berm and Furrow Wetland ~~Delineation~~ to be Developed"

Conceptual Plan Map (was Map 4):

32. Amend legend to read "This map reflects a vision for future efforts...."

33. Amend Legend to read "Areas Above 800' Contour (recommended for partial protection in the draft Natural Resources Functional Plan)".

34. (This amendment has been removed from this ordinance and will be considered in conjunction with the site-specific amendments.)

35. Remove buffers from Conceptual Plan Map (was Map 4).

Chapter 3 Text:

36. Add a new Recommended Action 3.14:

    3.14 Implement strategic plan for conservation of rare plant and animal habitat in the Plan area including:
    - a. Protection of significant rare species populations
    - b. Allowances for "takes" of small rare plant populations
    - c. Management strategies for recovery of rare species
    - d. Use of conservation easements or acquisition in fee of rare plant habitat, where appropriate, to protect rare plant habitat

e. City-sponsored rare plant surveys of privately owned sites with property owner permission conducted by professional botanists during the appropriate times of year to maximize chances of identification

f. Determination of threshold population sizes and other characteristics for identifying significant rare plant populations

g. City sponsorship of program to transplant and monitor recovery of small populations of rare plants where appropriate

37. Throughout Chapter 3, replace "recommended" with "designated" and "recommendation" with "designation" to clarify that these are adopted policy now, not recommendations

Chapter 4

38. Replace Recommended Action 4.1 with the following new text:

4.1 "Establish procedures and review criteria for evaluating requests for participating in the WEWP's regional mitigation program. The type of procedure and level of review should be consistent with the goals and policies of WEWP. Administrative procedures should suffice for projects that are fully consistent with WEWP, while quasi-judicial procedures may be necessary for projects that are not consistent."

39. Replace Recommended Action 4.14 with the following:

"Assist with the restoration of the Lower Amazon Creek wetlands and floodplain area - bounded by Royal Avenue, Terry Street, Greenhill Road and the Souther Pacific Railroad tracks - by supporting the Army Corps of Engineer's restoration project."

Chapter 6

40. Move "WEWSAS Capital Improvement Program" section, Public Facility Projects Table and Public Facility Projects Map to new appendix. Update acreage figures in Capital Improvement Program discussion. Remove items 13, 14, 15, 16, 17 from Public Facility Projects Table, and add Amazon Channel Enhancement project, and "Pilot Projects" item. Add new cost estimates for observation structures to Public Facility Projects Table. Update Public Facility Projects Map consistent with Public Facility Projects Table.

41. On page 55, 2nd paragraph, amend sentence to read: "The Plan suggests improvements be made at these locations to provide additional flood capacity storage, enhance wetland and riparian habitat values and improve stormwater quality in the Upper Amazon Basin:"

42. On page 55, remove the 5th paragraph (Emerald Canal).

Appendix A

43. Delete existing contents of Appendix A and replace with excerpts from Chapter 9 of the Eugene Code , 1971, sections on /WP Waterside Protection zoning overlay, /WB Wetland Buffer zoning overly, and NR Natural Resource zoning district.

Appendix B

44. Delete Appendix B.

Appendix C

45. (Site specific portions of the amendment have been removed and will be included with the site specific amendments.)

Delete all but the section on Wetland Value Criteria and update that section as follows:

"Wetland Value Criteria

The following criteria shall be used to determine wetland value categories for applying setbacks, buffer requirements and other protection measures applied to wetlands designated for protection on Wetland Designations Map (Map 3).

High value wetland sites must meet at least five out of the following seven criteria:

a. site is relatively undisturbed
b. site contains rare plant species, *Deschampsia cespitosa*, or other unique and diverse plant communities
c. site is large or is contiguous with another wetland or waterway
d. site is actually or potentially part of a connected wetland system
e. site contains a locally significant or rare habitat type
f. site received a Wetland Evaluation Technique rating of 50 or greater
g. site received a Wildlife Habitat Assessment rating of 60 or greater

Moderate value wetland sites are all those sites that do not fit under the High Value or Low Value categories.

Low value wetland sites include all disturbed agricultural sites and all "old field/fill" sites as mapped in the West Eugene Wetlands Special Area Study Technical Report.

46. (This amendment has been removed from this ordinance and will be considered in

conjunction with the site-specific amendments.)

Appendix E

47. Replace the existing Appendix E ("Comprehensive Wetland Mitigation Program") with a new appendix describing the process for amending the West Eugene Wetlands Plan:

"AMENDING THE WEST EUGENE WETLANDS PLAN

A description of the process for amending the West Eugene Wetlands Plan follows. This description is intended to be both a record of the process followed in the past, and a guideline for the process for future major, city-initiated amendments to the Plan. As this provides a guideline, rather than policy, whether these guidelines are followed depends upon availability of staff and other resources and other city policies in place at the time of the amendments.

The West Eugene Wetlands Plan is a refinement plan of the Metropolitan Area General Plan. The process requirements for amending a refinement plan are set forth in Chapter 9 of the Eugene Code, 1971, in the section on Refinement Plan Amendments. The code sets forth minimum requirements for public notification, public hearings and related actions. Some of the steps taken for the amendments to the West Eugene Wetlands Plan exceed the requirements of the code and are noted as such.

WEWP Amendment Process--Chronological Order

1. Develop draft staff recommendations for amendments.

2. Send out notification regarding draft amendments and public workshop to potential affected property owners and all those on existing and previous West Eugene Wetlands interest parties list (not required by code).

3. Hold public workshop to present staff recommendations and gather feedback (not required by code).

4. West Eugene Wetlands Technical Advisory Committee (TAC)[1] review of staff recommendations (not required by code).

5. Incorporate public and TAC comments into revised staff recommendations to be

[1]The TAC is made up of staff representatives from the Oregon Division of State Lands, Oregon Department of Environmental Quality, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and U.S. Environmental Protection Agency.

forwarded to Eugene and Lane County Planning Commissions (not required by code)

6. Send formal notification of Planning Commission joint public hearing to affected and adjacent property owners and all those on West Eugene Wetland interested parties list.

7. Hold work sessions with each Planning Commission to brief them on amendments.

8. Hold public hearing, hold record open two weeks past public hearing for additional written comments (not required by code).

9. Staff prepares written responses to public testimony and prepares recommended changes (if any) to respond to testimony (not required by code).

10. Planning Commissions meet separately to deliberate and take action.

11. Interested parties are notified by mail of Planning Commission decisions.

12. Formal notification of joint elected official hearing is sent to affected and adjacent owners and interested parties.

13. Staff holds work sessions with Lane County Board of Commissioners and Eugene City Council to brief them about the amendments.

14. Joint elected official public hearing is held.

15. County Board and City Council meet separately to deliberate and take action."

Glossary

48. Amend introductory paragraph to glossary to include disclaimer: "These definitions are intended to be explanatory, and are not adopted as policy. They may differ from definitions used in implementing ordinances."

49. Amend glossary definition of native plants: "Plants that occurred naturally in the west Eugene area prior to white settlement."

50. Add the following:
"RARE PLANT: See definition for "rare species."

"RARE ANIMAL: See definition for "rare species."

51. Amend definition of "rare species" as follows:

"RARE SPECIES: "~~Often used to describe species on the official state or federal "Threatened and Endangered Species" lists. In the West Eugene Wetlands Study, "rare" has two meanings: 1) a species which is does not have threatened or endangered status, but is present in small numbers throughout its range, and 2) a plant community wich was once widespread, but is now extremely limited in its distribution. For example, the prairie grasslands once covered thousands of acres in the Willamette Valley, but now are restricted to fewer than 20 locations in Lane and Benton Counties~~. Any plant or animal species which is included on the "rare plants" or "rare animals" lists in the policy section of Chapter 3 of this plan. Those species on the "watch" lists in Chapter 3 of this Plan are suitable for future consideration as additions to the rare species lists, but are not considered "rare" for the purposes of this Plan. These lists are derived from the Oregon Natural Heritage Program (ONHP) database of Rare, Threatened and Endangered Species of Oregon, Lists 1 and 2. ONHP List 1 includes species threatened with extinction or presumed to be extinct throughout their entire range. ONHP List 2 includes species threatened with extirpation or presumed to be extirpated from the state of Oregon. The list of rare species in this Plan only includes those species known to occur within wetlands in the Plan area."

52. Add definition of "roadside ditch":

"ROADSIDE DITCH: A small, narrow ditch constructed adjacent to a roadway to convey stormwater runoff. Distinguished from larger ditches or channels that are part of the area-wide storm drainage system."

C:\User\NEIL\WEWPAM\Revised Policy Package\Final CC Policy Ordinance\Ord1a--2, Amendment List, Exhibit A.wpd—July 1, 1998

Exhibit B

Findings of Consistency with Oregon Statewide Planning Goals

The Eugene-Springfield Metropolitan Area General Plan is a local comprehensive plan acknowledged by the state's Land Conservation and Development Commission, and the West Eugene Wetlands Plan is an adopted refinement plan to the Metro Plan. This document contains findings that address the consistency of the attached amendments to the West Eugene Wetlands Plan with applicable Oregon Statewide Planning Goals.

These amendments to the West Eugene Wetlands Plan (WEWP) will result in changes to existing locally adopted policy that address four land use categories: natural resources, industrial lands, commercial lands, and residential lands. Accordingly, this analysis addresses Oregon Statewide Planning Goal 1 (Citizen Involvement), Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources), Goal 9 (Economic Development) and Goal 10 (Housing). This analysis concludes that these refinement plan amendments are consistent with applicable Oregon Statewide Planning Goals.

Background

The amendments analyzed herein are changes to policies and text of the West Eugene Wetlands Plan. The amendments include 1) changes to the criteria used to designate wetlands for protection, restoration or development, 2) changes that will update policies regarding mitigation, 3) changes that respond to new information about rare species and 4) changes to the text of the plan (not adopted as policy). These amendments will not change the plan designation of any land. These amendments clarify and further refine the WEWP. The findings of goal compliance made as part of initial adoption of the WEWP remain essentially unaffected by these amendments. The amendments do not significantly alter the function, design or structure of the WEWP.

Goal 1-Citizen Involvement

Statewide Goal 1 calls for local governments "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The planning and adoption process for these amendments has incorporated many opportunities for citizen involvement at all phases of the process as detailed below.

1. Preliminary staff recommendations for policy and text amendments to the West Eugene Wetlands Plan were first presented to the public in a workshop held on June 28, 1994. Notices were sent to all affected owners, and everyone on the West Eugene Wetlands Plan interested parties list (more than 800 people).

2. Another public workshop was held on December 5, 1995 to present revised staff recommendations for amendments to the public. Again, notice was sent to all affected property owners and more than 900 interested parties. Citizen and agency comments from this workshop were incorporated into the staff recommendations forwarded to the Eugene and Lane County Planning Commissions.

3. On March 18, 1996, a public hearing was held before the Eugene and Lane County Planning Commissions regarding these amendments to the West Eugene Wetlands Plan. Notice was sent to all affected property owners, all owners and occupants within 400 feet of affected properties, affected neighborhood groups and more than 900 interested parties. Bright orange notices were posted next to each affected property regarding the hearing.

4. On December 17, 1997, a second public hearing was held before the Eugene Planning Commission and the Lane County Planning Commission regarding four specific plan amendments. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

5. On February 18, 1998, a public hearing was held before the Eugene City Council and the Lane County Board of Commissioners regarding these amendments. The record was held open for 14 days (until March 4, 1998) for written comments. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

We find that the opportunities for citizen involvement detailed above are beyond what is necessary to achieve consistency with Goal 1.

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

The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open spaces. In addition to the Goal, the Land Conservation and Development Commission has adopted an administrative rule to aid local government in achieving the requirements of the Goal. The original Goal 5 Rule, OAR 660, Division 16, was adopted in 1991; revisions to the Goal 5 Rule were adopted in 1996 as OAR 660, Division 23. The 1991 Goal 5 Rule continues to apply to post-acknowledgment plan amendments, such as the West Eugene Wetlands Plan amendments, initiated before September 1, 1996.

Goal 5 and the 1991 Goal 5 Rule focus on the process required to prepare a Goal 5 inventory and develop a program to achieve the goal on a site-specific basis, through preservation of a resource site; allowing conflicting uses and the loss of the resource; or mitigating negative impacts associated with the conflicting uses through partial protection.

Findings:

The West Eugene Wetlands Plan (WEWP) is an approved wetland conservation plan as defined in ORS 196.800(15). Approval for the existing plan as a Wetland Conservation Plan was granted by the Oregon Division of State Lands on September 13, 1994 and amended on September 11, 1997. ORS 196.684(8) specifies the relationship between Wetland Conservation Plan approval and compliance with Goal 5:

> "Wetland conservation plans approved by the Director of the Division of State Lands pursuant to ORS 196.668 to 196.692 shall be deemed to comply with the requirements of any statewide planning goals related to wetlands, other than estuarine wetlands, for those areas, uses and activities which are regulated by the plan." [See also, ORS 197.279]

Approval of the West Eugene Wetlands Plan by the Oregon Division of State Lands (DSL) as provided by law, satisfies all the requirements of any applicable statewide planning goal related to wetlands (including Goal 5) for those areas, uses and activities which are regulated by the plan.

The amendments clarify and further refine the WEWP. The findings of goal compliance made as part of initial adoption of the WEWP remain essentially unaffected by these amendments. The amendments do not significantly alter the function, design and structure of the WEWP.

The fundamental program developed for Goal 5 compliance remains essentially unchanged. The policies and criteria of the WEWP operate as a tool to further Goal 5 compliance by assisting in determining the significance of wetland resources, the conflicts and the economic, social, environmental and energy values involved in protecting the resource. That analysis approaches the wetlands of West Eugene as part of an interconnected natural system rather than as separate, discrete sites. The focus remains inside the West Eugene Wetlands Special Study Area, keeping in mind that the larger system of which these wetlands are a part extends beyond this and other political boundaries.

The Plan as adopted in 1992 struck a unique balance between protection and development of wetlands within the Plan area. Over 280 acres of wetlands were designated for development, but a much larger area, over 1,000 acres, was designated for protection or restoration. The magnitude of wetlands designated for both development and protection was unprecedented in Oregon. The current amendments maintain the balance established by the original plan by keeping the policies in line with those in the original Plan.

As detailed in Exhibit C, the amendments are consistent with the applicable policies of the Metro Plan and the West Eugene Wetlands Plan. Those are the same policies previously acknowledged as being in compliance with statewide planning goals; and, in the case of the West Eugene Wetlands Plan policies, deemed to be in compliance with applicable statewide goals by DSL approval of the WEWP as a wetlands conservation plan. The plan amendments comply with ORS 196.681 to 196.684 and OAR 141, Division 120. For those reasons, the policy and text amendments to the West Eugene Wetlands Plan comply with Statewide Planning Goal 5.

Goal 9 - Economic Development

The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, wealth, and prosperity of Oregon's citizens.

Findings:

The analysis below considers effects of the proposed changes to the policies and text of the West Eugene Wetlands Plan on the supply of buildable industrial and commercial land. The key in this analysis is the examination of the potential impact to buildable lands of the proposed criteria for designating wetlands compared with that of the criteria currently in the plan. The narrative analysis below shows that the changes do not change the criteria towards protecting more wetlands than would be protected under the criteria currently in the Plan.

Existing Protection Criteria	Proposed Protection Criteria	Impact of Change
1. Presence of rare plants	1. Site contains population(s) of one or more rare plant or animal species and contains sufficient and suitable habitat for the long-term protection of the population(s). This criterion is not met if only small occurrences of a species are found on a site with limited suitable habitat that is isolated from other undeveloped parcels.	Change from very broad definition of rare plants in existing plan glossary to list of species in policy, which narrows number of sites that will meet criterion. Specifies size, habitat and distribution characteristics, which also means that fewer sites will meet criterion. This change favors development somewhat more than existing criterion, but reflects original plan intent.
2. Site has Metropolitan Plan designation of Natural Resource.	2. Site is designated "Natural Resource" on the Metropolitan Area General Plan diagram.	No impact.

Existing Protection Criteria	Proposed Protection Criteria	Impact of Change
3. Site is within the 100 year floodplain.	3. Site is primarily within the 100 year floodplain.	Distinguishes between sites where a tiny portion is within the floodplain from those where most of the site is within it. This will mean that fewer sites will meet the criterion. This change favors development somewhat more than existing criterion, but reflects original plan intent.
4. Site is near a perennial waterway.	4. Site is within 100 feet of Amazon Creek or the A-3 Channel.	By specifying both the distance and the waterways, this change will mean that fewer sites will meet this criterion. This change favors development somewhat more than existing criterion, but reflects original plan intent.
5. Site is connected geographically or hydrologically to other wetlands or waterways.	5. Site is geographically or hydrologically connected to other wetlands or waterways.	No impact. There has been no change in the meaning of this criterion.
6. Site contain a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region.	6. Site contain a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region.	No change in this criterion.

Existing Protection Criteria	Proposed Protection Criteria	Impact of Change
7. Protection of site would further the goals and objectives of this plan.	7. Site has unique characteristics which make it of special importance to the functioning of the larger wetland system in West Eugene and protection of site would further the goals and objectives of this plan.	This change adds an additional factor of unique characteristics to the existing criterion. Since they are joined by "and", a site must have both unique characteristics AND further plan goals and objectives to meet this criterion. This added factor would, if anything, reduce the number of sites that would meet this criterion.
8. Presence of unique Willamette Prairie Grassland plant community.	8. Site contains indigenous wet prairie habitat. This criterion is intended to apply to areas of wet prairie habitat that are large or of moderate to high quality.	Updates terms, makes format consistent with other criteria and adds qualifiers of size and quality. The added qualifiers reduce the number of sites that will meet this criterion. This change favors development somewhat more than the existing criterion, but reflects original plan intent.
N/A	9. Site characteristics, including size, location and surrounding uses and activities are such that there exists a high probability that the site can be protected in perpetuity through the West Eugene Wetlands Program.	This criterion was added in order to prevent designating sites for protection that cannot physically be protected and maintained as wetland. If anything, this change would result in fewer sites meeting the protection criteria as a whole.

Existing Development Criteria	Proposed Development Criteria	Impact of Change
1. Prior to adoption of this Plan, the site has an approved wetland impact permit from the Oregon Division of State Lands and U.S. Army Corps of Engineers, or an approved Final Environmental Impact Statement	1. Prior to adoption of this Plan, or prior to inclusion of site in this Plan, the site has an approved wetland impact permit from the Oregon Division of State Lands and U.S. Army Corps of Engineers, or an approved Final Environmental Impact Statement which justifies fill and development of the site.	Addition of the phrase "or prior to inclusion of site in this Plan" allows more sites to meet this criterion since it includes sites that received approvals after plan adoption, but before incorporation of the site into the plan. This change favors development somewhat, but reflects the intent of the existing plan. Addition of the phrase "which justifies fill and development of the site" restricts those sites with approved EIS to those where fill and development is justified in the EIS. However, a project requiring an EIS which did not justify fill and development would not be constructed, so this would essentially have no impact.
2. The site is relatively isolated or disconnected from the larger system of wetlands and waterways.	2. Site is relatively isolated or disconnected from the larger system of wetlands and waterways.	No change.

Existing Development Criteria	Proposed Development Criteria	Impact of Change
1. Prior to adoption of this Plan, the site has an approved wetland impact permit from the Oregon Division of State Lands and U.S. Army Corps of Engineers, or an approved Final Environmental Impact Statement	1. Prior to adoption of this Plan, or prior to inclusion of site in this Plan, the site has an approved wetland impact permit from the Oregon Division of State Lands and U.S. Army Corps of Engineers, or an approved Final Environmental Impact Statement which justifies fill and development of the site.	Addition of the phrase "or prior to inclusion of site in this Plan" allows more sites to meet this criterion since it includes sites that received approvals after plan adoption, but before incorporation of the site into the plan. This change favors development somewhat, but reflects the intent of the existing plan. Addition of the phrase "which justifies fill and development of the site" restricts those sites with approved EIS to those where fill and development is justified in the EIS. However, a project requiring an EIS which did not justify fill and development would not be constructed, so this would essentially have no impact.
2. The site is relatively isolated or disconnected from the larger system of wetlands and waterways.	2. Site is relatively isolated or disconnected from the larger system of wetlands and waterways.	No change.
3. The site is served by existing streets, roads, sanitary sewers and municipal water	3. Site is served by existing streets, roads, sanitary sewers and municipal water	No change.
4. The site is adjacent to or surrounded by existing development	4. Site is adjacent to or surrounded by existing development	No change.
5. The site has frontage on a major highway or street.	5. Site has frontage on a major highway or street.	No change.

Existing Protection Criteria	Proposed Protection Criteria	Impact of Change
N/A	6. Site has unique characteristics which make it of special importance to the economic development of West Eugene, and allowing development of site would further the goals and objectives of this plan.	This new criterion was added to allow consideration of factors such as a scarce land use category or a unique location in relationship to the larger picture of economic development in the plan area. This change was intended to give more "weight" in the development criteria for these unique sites, and make it more likely that they would be designated for development. This change favors development somewhat, and is consistent with the goals and policies in the plan.

In summary, the above tables show that nearly all of the proposed changes slightly favor the development designation compared to the criteria in the existing plan. However, the changes are so minor that they can be considered essentially neutral when considering their impact on future site designations. In fact, the changes were both proposed and adopted with the intent that they would clarify existing policy, not substantially change it. There is no evidence that proposed criteria for designating wetlands will result in more protection of industrial or commercial lands than the current criteria.

Industrial Lands

The Metropolitan Industrial Lands Special Study, including both the Inventory Report and the Policy Report, describes the long-term supply and demand for industrial lands metro-wide. In 1992, these documents were approved by the Eugene City Council, the Springfield City Council and the Lane County Board of Commissioners. According to the data and findings contained in these reports (as of January 1, 1989), approximately 3,600 acres of buildable industrial land were available in the Metro area.[1] The twenty-year demand projection for buildable industrial land

[1] Metropolitan Industrial Lands Inventory Report, Lane Council of Governments, 125 East 8th Avenue, Eugene, Oregon, 97401, July 1993, p.73.

was between 650 and 1,172 acres.[2]

Wetland designation changes to protection or restoration as a part of these amendments would decrease the available inventory of industrial land. Wetland designation changes from protection or restoration to development would increase the supply of available industrial land.

The proposed policy changes would result in some sites being protected and some being allowed to develop. For the sake of analysis, let us assume that all the undesignated wetland sites would be designated for protection. If this were true it would reduce the buildable industrial land supply by 179.5 acres. This represents a 5% reduction in the overall supply of industrial land, leaving 3,420.5 acres of inventoried industrial land unaffected by these refinement plan amendments. This represents a supply that is 2,248.5 acres more than the maximum projected twenty-year demand for 1,172 acres.

Commercial Lands

The Eugene Commercial Lands Study (1992), provides an analysis of the supply and demand of vacant commercial land within Eugene. The study was prepared by the Eugene Planning Commission, and it serves as a refinement to the Metropolitan Area General Plan. According to the findings contained in this study, 702 acres (adjusted total supply) of vacant commercial land were available.[3] The projected twenty-year demand for vacant commercial land (within the Eugene portion of the Urban Growth Boundary only) was 532 acres, including 109 acres of developable office land and 423 acres of non-office commercial.[4] For the purposes of this analysis, developable office is land designated in the Metropolitan Area General Plan for commercial use, which is zoned GO General Office. There is no land zoned General Office that contains undesignated wetland. Therefore, there will be no impact to the supply of office commercial land as a result of these amendments.

Wetland designation changes to protection or restoration as a part of these amendments would, in effect, decrease the available inventory of commercial land. Designation changes from protection or restoration to development would increase the supply of available commercial land. Under the proposed amendments, some wetlands would be designated for protection or restoration, and some for development.

There are currently 18.8 acres of commercial land that contains undesignated wetlands within the WEWP area. If all of these acres were removed, it would represent a 2.7% reduction in the overall supply of inventoried commercial lands, leaving about 683.2 acres of inventoried

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2 Ibid., p.73.

3 Eugene Commercial Lands Study, Eugene Planning and Development Department, 777 Pearl Street, Room 106, Eugene, Oregon, 1992, p. II-15.

4 Ibid., p.II-15.

commercial land still available. This is 150 acres more than the projected twenty-year demand.

Since no office commercial lands were impacted, it must be assumed that all reduction would be to the non-office commercial category. The projected demand for this category is 423 acres. According to the Commercial Lands Study, the inventory of buildable commercial land includes 465 acres of land designated in the Metro Plan for commercial use, but not zoned for office use. An additional 197 acres is included in the inventory that is not categorized between office and non-office use, though a percentage of it can be assumed available for non-office commercial. Using only the 465 acres explicitly denoted in the Commercial Lands Study, after subtracting the 18.8 acres that could be removed by protection of wetlands in these amendments, 451 acres are left, which is 23 acres more than the projected demand for this category.

The foregoing analysis concludes that even if all of the commercial and industrial undesignated wetlands were removed from the buildable lands inventory by designating them for protection, there would be adequate land in the inventory to the meet the project 20-year demand for industrial and commercial land.

Since the policy changes clearly do not move the Plan toward more protection, and since even removing the maximum possible acres from the land supply would leave adequate buildable land in both categories, these amendments are consistent with Goal 9.

Goal 10 - Housing

The purpose of Goal 10 is to provide for housing needs of the citizens of the state.

Findings:

As discussed and analyzed above, the proposed policy amendments do not move the plan toward protecting more wetlands. There is no evidence that the proposed criteria for designating wetlands will result in more protection of residential lands than the current criteria.

The Metropolitan Area Residential Land Study: Supply and Demand Analysis (1991), describes the supply and demand for residential lands within the Eugene-Springfield Urban Growth Boundary. This report is the 1989 update to the residential supply and demand analysis prepared for the Metropolitan Area General Plan. According to the findings contained in this report, 11,414 acres of vacant, buildable residential land were available in the Metro area in 1989.[5] The twenty-year demand projection for vacant, buildable residential land was between 7,410 and 8,230 acres.[6]

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5 Metropolitan Area Residential Lands Study, Eugene Planning and Development Department, City of Springfield Development Services Department, Lane Council of Governments, June, 1991, p.44.

6 Ibid., p.103.

Wetland designation changes to protection or restoration as a part of these amendments would, in effect, decrease the available inventory of residential land. The total area of residential land that contains undesignated wetlands is 72 acres. If all of these acres were protected and removed from the buildable lands inventory it would represent a 0.6% reduction in the overall supply of inventoried residential lands, leaving about 11,342 acres of inventoried residential land still available. This represents a supply of several thousand acres beyond the projected twenty-year demand for between 7,410 and 8,230 acres.

The foregoing analysis concludes that even if all of the residential undesignated wetlands were removed from the buildable lands inventory by designating them for protection, there would still be adequate land in the inventory to the meet the projected 20-year demand.

Since the policy changes clearly do not move the Plan toward more protection, and since even removing the maximum possible acres from the residential land supply would leave adequate buildable land to meet the projected 20-year demand, these amendments are consistent with Goal 10.

Conclusions

The above findings show that these amendments to the West Eugene Wetlands Plan are consistent with Oregon Statewide Planning Goals 1, 5, 9 and 10. This conclusion is based on the following: 1) the abundant opportunities provided for citizen involvement throughout the planning process 2) the proposed policy amendments do not move the plan toward protecting more wetlands, 3) the maximum acreage that could be removed by designating currently undesignated wetlands would still leave adequate industrial commercial and residential lands to meet the projected demands for the 20-year planning period and 4) these amendments do not significantly alter the basic structure and function of the West Eugene Wetlands Plan and its protection of wetland resources. No further analysis of Statewide Planning Goals is necessary for these amendments to the West Eugene Wetlands Plan.

Exhibit C

Findings of Consistency with Refinement Plan Amendment Criteria

Eugene Code section 9.145 provides the criteria to determine whether a proposed plan amendment should be approved. The proposed amendments must be consistent with the criteria in EC 9.145 to be approved.

Section 9.145(2) "The planning commission shall review the proposed amendment and receive evidence, and decide whether the proposed change is consistent with the following approval criteria: (a) The plan amendment is consistent with the Metropolitan Area General Plan;"

Findings:

The attached ordinance does not contain any plan diagram changes. Therefore, these amendments are consistent with the Metro Plan diagram.

The Metro Plan contains the following policies which address the proposed amendments (related findings follow each policy):

Policy 1, page III-B-4: "Demonstrate a positive interest in existing and new industries, especially those providing above average wage and salary levels, an increased variety of job opportunities, a rise in the standard of living, and utilization of our existing comparative advantage in the level of education and skill of the resident labor force."

Several of the proposed policies indirectly acknowledge the value of existing and new industrial development. These include amendments numbers 62 (criteria for designating wetlands for development), 75-78 and 82-83 (mitigation bank program policies). These policies continue provide a framework for allowing wetland of lesser value to be developed with planned industrial uses, and for those wetlands to be replaced through the mitigation bank with greater ease.

Policy 5, page III-B-5: " Provide existing industrial activities sufficient adjacent land for future expansion."

None of the proposed policies specifically address preservation of land for expansion of existing industrial development. However, the criteria for identifying sites suitable for development (Amendment #62) acknowledge the economic value of certain sites in subsections 3-6. In addition amendment #62 includes adding a new criterion for designating sites for development that acknowledges the unique characteristics of a site which make it of greater importance to the economic value of the area. Under some circumstances, this criterion could address expansion of existing businesses.

Policy 18, page III-C-9: "Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas."

This policy sets direction for future legislative implementation of the goals and policies of the Metro Plan and is not intended to be applied to a specific action or proposal. In addition, the West Eugene Wetlands Plan as a whole is a plan which outlines a program for management of development in and around wetlands to protect values as described in Policy 18.

Policy 19, page III-C-9: "Local governments shall develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan Update."

The West Eugene Wetlands Plan, which contains policies and local land use controls for wetlands in west Eugene, was adopted in 1992. The current proposed amendments will update the 1992 Plan. The proposed text amendments do not affect policies which prescribe the primary wetland protection measures to be implemented: wetland acquisition, wetland buffers and waterside setbacks.

Policy 27, page III-C-10: "Local governments shall encourage further study by specialists of endangered and threatened plant and wildlife species in the metropolitan area."

Proposed amendments numbered 67 and 68 provide direction for the study and management of rare species within the Plan area. These amendments are consistent with the above policy.

Policy 28, page III-C-10: "Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input."

Several text amendments address protection of rare plants (proposed amendments numbered 62, 67 and 68). These amendments would 1) limit consideration of rare plants to the presence of rare species listed in the plan (taken from the Oregon Natural Heritage Program Lists 1 and 2) when determining whether to protect a site, 2) direct the City to pursue interim protection of rare species populations on sites not designated for protection in the Plan and 3) pursue development of habitat conservation strategy planning for rare species. These policies are intended to ensure the protection of rare plants on sites with potential for long-term protection and management, and to expand the populations on suitable sites, while allowing needed road improvements or development with small impacts to these species. Additional policies identify which species are considered rare within the plan area.

The proposed amendments are consistent with this policy.

Policy 29, page III-C-11: "Local governments shall work with owners of designated environmentally-sensitive areas to require that reasonable actions are taken to protect these lands, e.g., the heronry at the confluence of the Willamette and McKenzie Rivers and the site of the Aster curtus in the Willow Creek Basin."

There are two sites within the West Eugene Wetlands Plan area that are designated in the Metro Plan as environmentally sensitive. They are the Willow Creek Natural Area and Bertelsen Slough. The Bertelsen Slough area is owned and managed by the Bureau of Land Management as a protected natural resource area. The Willow Creek Natural Area is owned by the Nature Conservancy and is also managed as a protected natural area.

The proposed amendments will not change the fact that both Bertelsen Slough and Willow Creek are being actively managed by their respective owners for protection of natural resources. The amendments do not change the status of these sites, and are therefore consistent with this policy.

Policy 2, page III-E-3: "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental and energy consequences in the design and construction of urban development and landscaping shall be utilized to enhance those natural features."

The criteria proposed in these amendments for designating wetlands sites (or portions of sites) includes criteria for protection and/or restoration of wetlands, which will prevent disturbance of wetlands, water features and natural vegetation on those sites. By protecting wildlife habitat, water quality and vegetation on sites that meet these criteria, these proposed amendments are consistent with the above policy.

The reference to "economic, social, environmental and energy impacts" comes from statewide planning Goal 5. See Exhibit B, (incorporated herein by reference) for a discussion of consistency of these amendments with Goal 5.

The overall impact of applying the policies in the proposed amendments to the West Eugene Wetlands Plan, if they are approved, is to continue to protect the majority of wetlands and waterways in the Plan area in the manner established by the original Plan. This includes protecting natural vegetation on the most valuable wetland sites and restoration of native habitat on suitable restoration sites. Based upon the level of protection of these provisions, the amendments are consistent with this policy.

Summary Conclusions: Metro Plan Consistency

The findings above indicate consistency with all applicable Metro Plan policies. The proposed amendments meet the criterion of Metro Plan consistency.

Section 9.145(2)(b): "The plan amendment is consistent with remaining portions of the refinement plan;"

Findings:

The West Eugene Wetlands Plan contains the following applicable Goals (related findings follow each Goal):

Goal 3.1 "Protect and enhance water quality, wildlife habitat, flood storage sediment and toxicant removal and other wetland functions and values."

The criteria proposed in these amendments for designating wetlands sites (or portions of sites) includes criteria for protection and/or restoration of wetlands, which will prevent disturbance of wetlands, water features and natural vegetation on those sites. By protecting wildlife habitat, water quality and vegetation on sites that meet these criteria, these proposed amendments are consistent with the above policy.

Goal 3.2 "Minimize economic hardship on private property owners due to protection of wetlands and other valuable environmental resources."

The criteria proposed in these amendments for designating wetland sites (or portions of sites) include criteria for identifying sites for future development. They include one criterion (amendment #62, development criterion 6) that recognizes sites that are of particular importance to the economic development of West Eugene. This criterion can be used to recognize outstanding economic features of a site that contribute significantly to the economic development of the area. These criteria are designed to preserve development values on sites where environmental values are low and development values are high. The amendments leave intact various provisions and policies addressing economic development values that are contained in the West Eugene Wetlands Plan. These provisions support Goal 3.2. No new policies are introduced that contradict Goal 3.2.

Goal 3.5 "Protect and expand current populations and habitats of rare, endangered and threatened plants and animals that currently exist in west Eugene."

Several text amendments address protection of rare plants (proposed amendments numbered 62, 67 and 68) These amendments would 1) require consideration of rare plants and animals listed in the Plan (taken from the Oregon Natural Heritage Program Lists 1 and 2) when determining whether to protect a site, 2) direct the City to pursue interim protection of rare species populations on sites not designated for protection in the Plan and 3) pursue development of habitat conservation strategy planning for rare

species. These policies are intended to ensure the protection of rare plants and animals on sites with potential for long-term protection and management, and to expand the populations on suitable sites.

The change proposed under amendment #62 would limit the consideration of rare plants (for the purposes of determining protected sites) to species that are listed in the Plan. The adopted list includes species on Lists 1 and 2 of the Oregon Natural Heritage Program.

The Oregon Natural Heritage Program is a statewide system for tracking plant and animal species of concern. It is a cooperative program of The Nature Conservancy, the Oregon Division of State Lands and other state agencies involved with identification and protection of sensitive species. Every other year the ONHP produces a document called "Rare, Threatened and Endangered Plants and Animals of Oregon". The document is separated into sections on animals and plants. For both plants and animals, there are lists numbered 1, 2, 3 and 4. These lists are produced through a consensus process of participating scientists (including both state and federal agency biologists as well as "independent" biologists) at a bi-annual conference. List 1 includes species that are threatened with extinction or presumed to be extinct throughout their entire range (List 1 generally includes federally listed and candidate species). List 2 includes species that are threatened with extirpation[1] or presumed to be extirpated from the state of Oregon. List 3 includes species for which more information is needed before status can be determined, but which *may* be threatened or endangered in Oregon or throughout their range. List 4 contains species which are of concern, but are too common to be currently considered threatened or endangered.

Only lists 1 and 2 contain species which are confirmed to be threatened or endangered. These two lists most closely match the intent of the proposed amendments to the protection criterion for rare plants. The species, by List, which occur within wetlands in West Eugene are shown below:

<u>List 1</u>

Aster curtus	white-topped aster
Erigeron decumbens var. *decumbens*	Willamette daisy
Horkelia congesta	shaggy horkelia
Lomatium bradshawii	Bradshaw's lomatium

<u>List 2</u>

Cicendia quadrangularis	timwort

[1] "Extirpation" means eliminated or destroyed, in this case within a geographic area; distinguished from "extinction" which means no longer found anywhere.

The five species on Lists 1 and 2 have generally been considered the "rare" species within the west Eugene wetlands over the past several years. By comparison, the definition of "rare plant" in the original plan (for individual species) was "a species which does not have threatened or endangered status, but is present in small numbers throughout its range." In other words, the term "rare" is not dependent upon state or federal listing, but rather on the actual status of the plant population. The ONHP lists 1 and 2 include those species which have been confirmed to be rare either in Oregon or throughout its entire range. In summary, amendment #62 would contribute to protection of rare, threatened and endangered plant species as called for in Goal 3.5.

In addition to specifying rare plants from the ONHP lists, amendment #62 adds consideration of rare animals from the same ONHP lists. As the listing below indicates, the only animal species on Lists 1 or 2 that are confirmed within the West Eugene Wetlands Plan area are Fender's blue butterfly and the northwestern pond turtle. These are listed below.

<u>List 1</u>

(*Icaricia icarioides fenderi*)	Fender's blue butterfly

<u>List 2</u>

Clemmys marmorata marmorata	northwestern pond turtle

Amendment #67 gives direction to the City to pursue strategic planning for conservation of rare plant habitat in the Plan area. Amendment #68 directs the City to pursue interim protection of rare plant sites not designated for protection. Both of these new policies augment existing policy in the West Eugene Wetlands Plan calling for protection of rare plants and their habitat in the Plan area.

Goal 3.6 "Achieve state and federal requirement of "no net loss" of wetlands in both quantity (area) and quality (functions and values)."

The West Eugene Wetlands Plan addresses the "no net loss" policy through protection of valuable wetlands and coordinated restoration of degraded wetlands to replace those that are filled. This approach is not changed by the proposed amendments. The proposed amendments that address the mitigation bank (numbers 73, 74, 75, 76, 77, 78, 82 and 83) maintain the intent of no net loss of wetlands contained in the existing Plan.

Goal 3.7 Protect an interconnected system of wetlands within a sustainable, ecologically sound system, with a high likelihood of long-term survival.

Amendment #62, which adds a new wetland protection criterion addressing probability of achieving long-term protection also addresses this policy. The new criterion would add consideration of the feasibility of long-term protection to other considerations when

determining whether to protect a site. This is consistent with the Plan Goal of protecting a wetland system with a "high likelihood of long-term survival".

The West Eugene Wetlands Plan contains the following applicable Policies (related findings follow each policy):

Policy 3.1 "Seek acquisition of protected wetland sites by federal, state and local public agencies and private, non-profit conservation organizations."

The proposed amendments do not affect the on-going efforts of the West Eugene Wetlands Program to acquire wetlands designated for development in the Plan.

Summary Conclusions: West Eugene Wetlands Plan Consistency

The above findings indicate that the proposed amendments are consistent with the applicable policies in the remainder of the WEWP. The proposed amendments meet the criterion of consistency with the remainder of the refinement plan.

Section 9.145 (2)(c) "The plan amendment is found to address one or more of the following: 1. An error in the publication of the plan;"

Findings: The proposed amendments do not contain any corrections of errors in the original Plan. However, the amendments do address omissions from the original Plan. Proposed amendment #63 gives direction to local governments about issuance of building permits within protected wetlands. This subject was also not addressed in the original Plan.

Section 9.145 (2)(c) 2. "A change of circumstances in a substantial manner not anticipated in the plan;"

Findings: Seven proposed policies are introduced as clarifications of existing policies in the Plan. Property owners, developers, and various agency staff have on numerous occasions commented on the lack of clarity in the existing plan regarding: 1) how the protection and development criteria are interpreted and applied, 2) what the relationship is between wetland protection policies and the city's buildling permit process, 3) how mitigation sites are identified, 4) whether the wetland designations map in the plan accurately reflects wetland boundaries, 5) whether roadside ditches are protected under the plan, 6) whether all wetlands on public land were intended to be protected, and 7) what the city's policy is regarding use of degraded wetlands for stormwater quality improvement. The lack of clarity of these policy areas was not anticipated at the time of Plan adoption. These amendments include numbers 62, 63, 64, 65, 70, 71, 72.

Conclusions: The proposed amendments listed above regarding rare plants meet the criterion above because they respond to information about rare plants not available at the time of Plan adoption. The proposed amendments listed above which address lack of clarity

experienced by City staff following adoption of the Plan respond to a situation not anticipated during Plan adoption and are thus consistent with this criterion.

Section 9.145 (2)(c)3. "Incorporation into the plan of new inventory material which relates to a statewide goal; or"

Findings: Proposed amendments which address rare plant protection (numbers 62, 67 and 68) are introduced to respond to new information about rare plant distribution that was not available at the time of Plan adoption. Information gathered since adoption of the Plan shows that there are a number of small wetland sites, surrounded by development, with small rare plant populations which would be very difficult to protect due to their isolation from other habitat areas, small size, and surrounding uses. Due to their isolated nature these sites cannot be integrated or connected to the larger wetland system. When the Plan was adopted in 1992, it was thought that the rare plants existed only on the large, pristine wet prairie wetland sites such as the Willow Creek Preserve. Amendment #62 would require consideration of plant species listed in the Plan (taken from the Oregon Natural Heritage Program Lists 1 and 2) when evaluating new wetland sites for designation. This change is based upon the results of recent plant surveys, which have revealed the distribution of rare plant species on the adopted list. Therefore, these amendments address new inventory information which addresses Statewide Goal 5, and are consistent with this criterion.

Conclusions: Amendments 62, 63, 64, 65, 67 and 68 are consistent with this criterion.

Section 9.145 (2)(c) 4. "A change in public policy."

Findings: The nine proposed amendments dealing with the mitigation program are based upon changes in how the mitigation bank operations are conducted, which in turn is based upon an intergovernmental agreement which includes the City of Eugene, Oregon Division of State Lands, Oregon Department of Environmental Quality, U.S. Environmental Protection Agency and U.S. Army Corps of Engineers (these include proposed policies numbered 73, 74, 75, 76, 77, 78, 82 and 83).

Three proposed policies are needed to maintain consistency with other changes being proposed. These amendments include numbers 66, 80 and 81.

Amendments #66 and #80 reflect changes to the protection and development criteria under amendment #62. Amendment #81 reflects a new policy added under amendment #65.

Conclusions: The proposed amendments listed above which address changes in mitigation bank operation reflect new state and federal policy and the local intergovernmental agreement implementing the City's bank program, and thus meet this criterion.

The proposed amendments listed above which maintain consistency with other proposed changes respond to changes in local public policy and thus are also consistent with this criterion.

Summary Conclusions:

Each of the proposed amendments meet the criteria under Eugene Code sections 9.145(2)(a) and (2)(b) and one or more of the criteria for approval of a refinement plan amendment as set forth in Eugene Code section 9.145(2)(c). See also Exhibit D.

Based upon the discussion, findings and conclusions herein (above) the proposed amendments are found to be consistent with the applicable criteria contained in Eugene Code Section 9.145.

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Exhibit D

Matrix of Consistency
With Refinement Plan Amendment Criteria

	All Amendments must meet these criteria		Each Amendment must meet at least one of these criteria			
Amendment Number	EC 9.145(2)(a)	EC 9.145(2)(b)	EC 9.145(2)(c)1.	EC 9.145(2)(c)2.	EC 9.145(2)(c)3.	EC 9.145(2)(c)4.
62	X	X		X		
63	X	X		X		
64	X	X		X		
65	X	X		X		
66	X	X				X
67	X	X		X		
68	X	X		X		
70	X	X		X		
71	X	X		X		
72	X	X		X		
73	X	X				X
74	X	X				X
75	X	X				X
76	X	X				X
77	X	X				X
78	X	X				X
80	X	X				X
81	X	X				X
82	X	X				X
83	X	X				X

An "X" in this table means the criterion at the head of the column is met for the amendment in the leftmost column.

ORDINANCE NO. 20147

AN ORDINANCE AMENDING THE WEST EUGENE WETLANDS PLAN BY ADOPTING PLANNED TRANSPORTATION CORRIDOR WETLAND DESIGNATIONS FOR CITY PROPERTIES LOCATED WITHIN THE WEST 18TH AND WEST 11TH AVENUE ROAD IMPROVEMENT PROJECTS.

The City Council of the City of Eugene finds that:

A. On May 20, 1992, the Eugene City Council adopted Ordinance No. 19853 adopting the West Eugene Wetlands Special Area Study, a refinement plan to the Eugene-Springfield Metropolitan Area General Plan, subsequently amended in part by Ordinance No. 19867 adopted by the City Council on August 10, 1992.

B. On March 6, 1995, the Eugene City Council adopted Ordinance No. 20002 amending the West Eugene Wetlands Special Area Study and changing the name to the West Eugene Wetlands Plan.

C. The City of Eugene has initiated additional amendments to the West Eugene Wetlands Plan to amend Plan policies and text, and to adopt wetland designations for certain properties located within the Plan boundary.

D. On March 19, 1996, the Eugene Planning Commission conducted a joint public hearing with the Lane County Planning Commission on draft amendments to the West Eugene Wetlands Plan.

E. On May 6, 1996, the Eugene Planning Commission voted unanimously to recommend approval of amendments to the West Eugene Wetlands Plan, including the policy amendment to create a new Planned Transportation Corridor wetland designation and the amendments to apply the Planned Transportation Corridor wetland designation to property located within the West 18th and West 11th Avenue road improvement projects. On June 4, 1996, the Lane County Planning Commission recommended approval of these amendments to the Lane County Board of Commissioners.

F. On February 18, 1998, the Eugene City Council conducted a joint public hearing with the Lane County Board of Commissioners on amendments to establish new Planned Transportation Corridor and Utility Corridor wetland designations.

G. On May 20, 1998, the Eugene City Council adopted Ordinance No. 20119 amending the West Eugene Wetlands Plan to establish new Planned Transportation Corridor and Utility Corridor wetland designations. These amendments were adopted by the Lane County Board of Commissioners on June 24, 1998 and took effect on July 24, 1998.

H. On February 22, 1999, the Eugene City Council held a public hearing on the proposed plan map amendments, and is now ready to take action on these amendments as set forth in Exhibit A.

I. Evidence exists within the record and the findings attached hereto that the amendments shown in Exhibit A meet the requirements of Chapter 9 of the Eugene Code, 1971, and the requirements of applicable state and local law.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Based on the above findings, and the findings set forth in Exhibits B and C attached hereto and incorporated herein by reference, the amendments shown in Exhibit A are hereby adopted as amendments to the West Eugene Wetlands Plan.

Section 2. Except as amended by Ordinance No. 19867 on August 10, 1992, Ordinance 20002 on March 6, 1995, Ordinance 20119 on May 20, 1998 and herein, all other provisions of the West Eugene Wetlands Plan remain in full force and effect, and the City Recorder is requested to append a copy of this Ordinance thereto.

Section 3. Notwithstanding the provisions of the Eugene Charter of 1976 and the Eugene Code, 1971, this Ordinance shall not become effective until identical provisions are adopted by the Lane County Board of Commissioners.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

Passed by the City Council this

22nd **day of** February, **1999**

City Recorder

Approved by the Mayor this

22nd **day of** February, **1999**

James D. Torrey

Mayor

Exhibit A:
West 18th Avenue Site

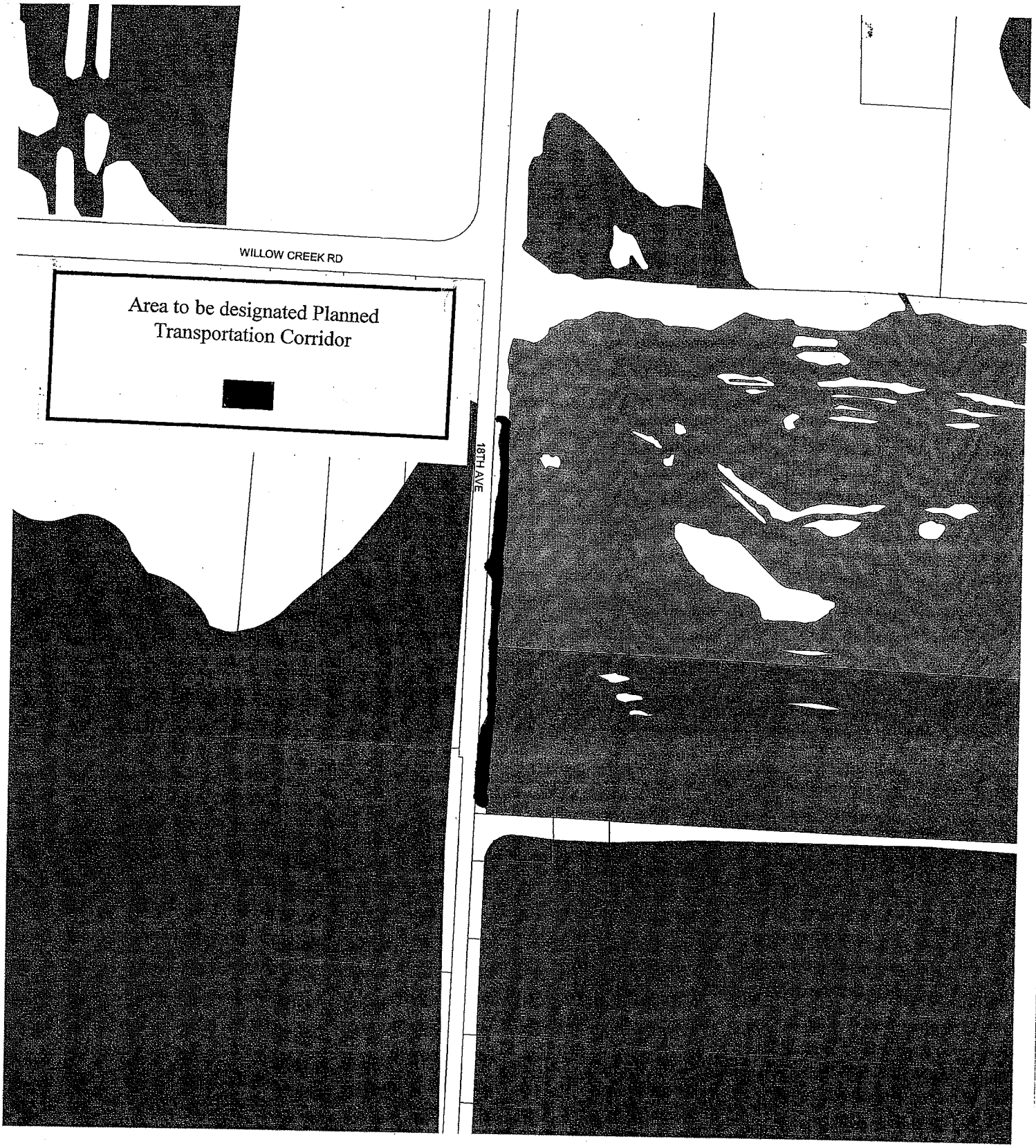

Exhibit A:
West 11th Avenue Site

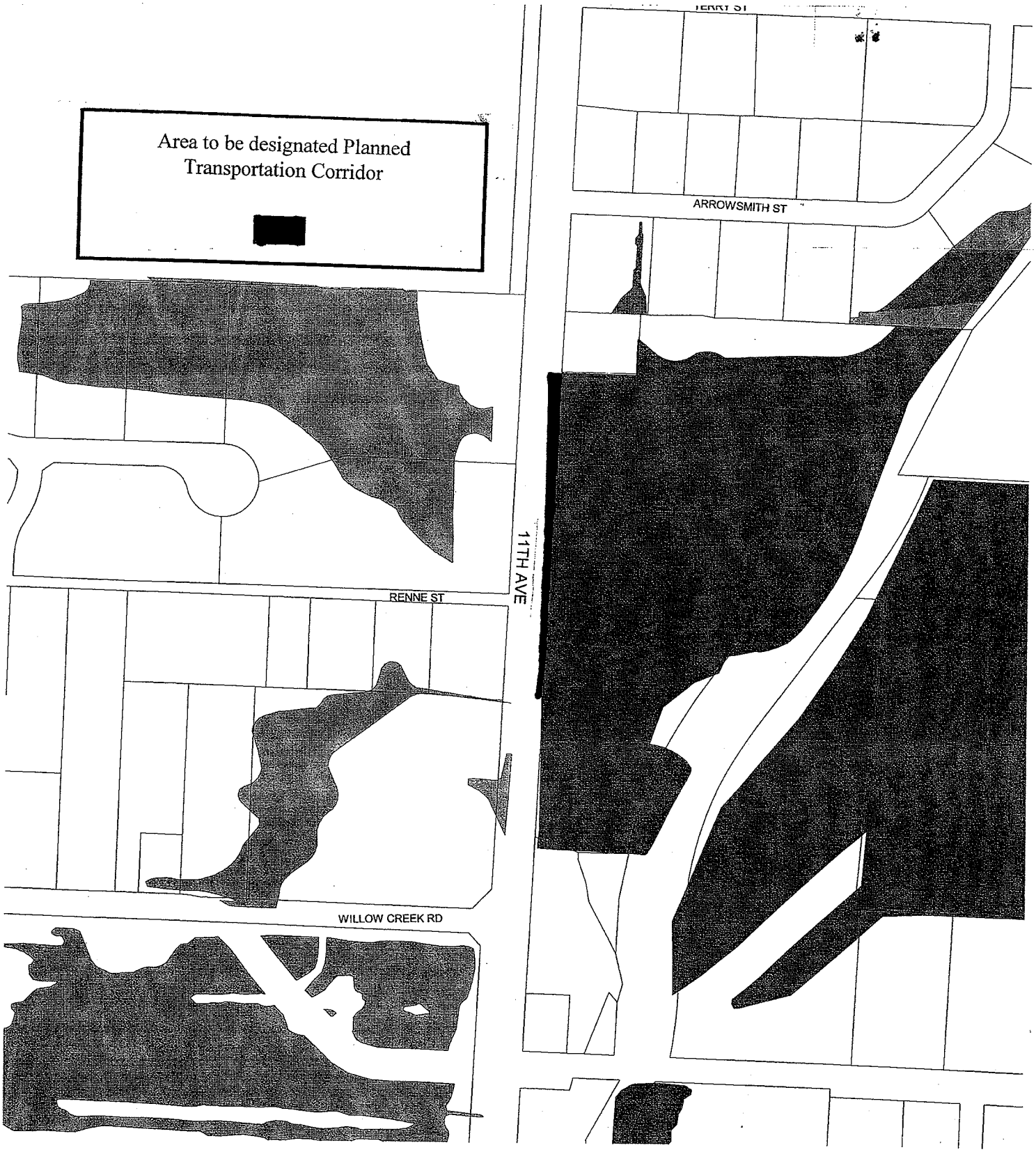

Exhibit B

Findings of Consistency with Oregon Statewide Planning Goals

The Eugene-Springfield Metropolitan Area General Plan is a local comprehensive plan acknowledged by the state's Land Conservation and Development Commission, and the West Eugene Wetlands Plan is an adopted refinement plan to the Metro Plan. This document contains findings that address the consistency of the attached amendments to the West Eugene Wetlands Plan with applicable Oregon Statewide Planning Goals (City of Eugene File RA 96-001).

These amendments to the West Eugene Wetlands Plan affect three land use categories: natural resources, industrial and commercial lands, and residential lands. Accordingly, this analysis addresses Oregon Statewide Planning Goal 1 (Citizen Involvement), Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources), Goal 9 (Economic Development) and Goal 10 (Housing). This document also contains findings and conclusions on the impacts of the amendments on the supply of industrial, commercial and residential lands in the Eugene-Springfield Metropolitan area. This analysis concludes that these refinement plan amendments are consistent with applicable Oregon Statewide Planning Goals.

Background

The two amendments analyzed herein are changes to the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan. This map applies one or more of several defined wetland designations to each inventoried wetland in the study area. These amendments only involve the application of the "Planned Transportation Corridor" designation. This designation is applied to areas previously designated for restoration or protection to allow needed roadway improvements. Since these amendments only apply this designation to non-buildable areas (i.e., wetlands designated for protection or restoration) and the designation only allows road improvements, they do not affect the buildable land inventory.

<u>Goal 1-Citizen Involvement</u>

Statewide Goal 1 calls for local governments "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The planning and adoption process for these amendments has incorporated many opportunities for citizen involvement at all phases of the process as detailed below.

1. This process began with a wetland inventory project in 1993, for which all affected property owners were contacted to obtain permission for the study to be conducted on their property. Only properties where owners gave permission were included in an on-site study.

2. After the wetland inventory was completed, the results were presented at a public workshop held on December 11, 1993. All affected owners, and everyone on the West Eugene Wetlands Plan interested parties list (more than 800 people) were sent notices about the workshop.

3. After studying the new wetland inventory data and incorporating citizen comments from the 1993 Workshop, a second workshop was held to present to the public preliminary staff recommendations for amendments to the West Eugene Wetlands Plan. This workshop was held on June 28, 1994 and notices were sent to all those that got the earlier notice plus any who requested to be on the mailing list.

4. A third public workshop was held on December 5, 1995 to present revised staff recommendations for amendments to the public. Again, notice was sent to all affected property owners and more than 900 interested parties. Citizen and agency comments from this workshop were incorporated into the staff recommendations forwarded to the Eugene and Lane County Planning Commissions.

5. On March 18, 1996, a public hearing was held before the Eugene and Lane County Planning Commissions regarding both text and map amendments to the West Eugene Wetlands Plan, including the Planned Transportation Corridor policy and its application to the two subject sites. Notice was sent to all affected property owners, all owners and occupants within 400 feet of affected properties, affected neighborhood groups and more than 900 interested parties. Bright orange notices were posted next to each affected property regarding the hearing.

6. On December 17, 1997, a second public hearing was held before the Eugene Planning Commission and the Lane County Planning Commission regarding four specific issues, not including the Planned Transportation Corridor policy and its application to the two subject sites. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

7. On February 18, 1998 a public hearing was held before the Eugene City Council and the Lane County Board of Commissioners regarding policy amendments that included the Planned Transportation Policy language. [The two site specific amendments addressed herein were not included in the proposed amendments heard at that meeting.] Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of

Eugene's World Wide Web Homepage before the hearing.

8. On February 22, 1999, the Eugene City Council held a public hearing on these two site specific amendments. Notice of the hearing was sent to all affected property owners and to owners and occupants living within 300 feet of the affected sites 20 days in advance of the hearing.

We find that the opportunities for citizen involvement detailed above are adequate to achieve consistency with Goal 1.

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

The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open spaces. In addition to the Goal, the Land Conservation and Development Commission has adopted an administrative rule to aid local government in achieving the requirements of the Goal. The original Goal 5 Rule, OAR 660, Division 16, was adopted in 1991; revisions to the Goal 5 Rule were adopted in 1996 as OAR 660, Division 23. The 1991 Goal 5 Rule continues to apply to post-acknowledgment plan amendments, such as the West Eugene Wetlands Plan amendments, initiated before September 1, 1996.

Goal 5 and the 1991 Goal 5 Rule focus on the process required to prepare a Goal 5 inventory and develop a program to achieve the goal on a site-specific basis, through preservation of a resource site; allowing conflicting uses and the loss of the resource; or mitigating negative impacts associated with the conflicting uses through partial protection.

Findings:

The West Eugene Wetlands Plan (WEWP) is an approved wetland conservation plan as defined in ORS 196.800(15). Approval for the existing plan as a Wetland Conservation Plan was originally granted by the Oregon Division of State Lands on September 13, 1994. DSL's approval was amended by Final Order 97-003 on September 11, 1997. ORS 196.684(8) specifies the relationship between Wetland Conservation Plan approval and compliance with Goal 5:

> "Wetland conservation plans approved by the Director of the Division of State Lands pursuant to ORS 196.668 to 196.692 shall be deemed to comply with the requirements of any statewide planning goals related to wetlands, other than estuarine wetlands, for those areas, uses and activities which are regulated by the plan." [See also, ORS 197.279]

Approval of the West Eugene Wetlands Plan by the Oregon Division of State Lands (DSL) as provided by law, satisfies all the requirements of any applicable statewide planning goal related to wetlands (including Goal 5) for those areas, uses and activities which are regulated by the plan.

The findings of goal compliance made as part of initial adoption of the WEWP remain essentially unaffected by these amendments. In Exhibit C, these amendments are shown to be consistent with the West Eugene Wetlands Plan goals and policies. The fundamental program developed for Goal 5 compliance essentially remains unchanged. The policies and criteria of the WEWP operate as a tool to further Goal 5 compliance by assisting in determining the significance of wetland resources, the conflicts and the economic, social, environmental and energy values involved in protecting the resource. That analysis approaches the wetlands of West Eugene as part of an interconnected natural system rather than as separate, discrete sites. The focus remains inside the West Eugene Wetlands Special Study Area, keeping in mind that the larger system of which these wetlands are a part extends beyond this and other political boundaries.

As detailed in Exhibit C, the amendments are consistent with the applicable policies of the Metro Plan and the West Eugene Wetlands Plan. Those are the same policies previously acknowledged as being in compliance with statewide planning goals; and, in the case of the West Eugene Wetlands Plan policies, deemed to be in compliance with applicable statewide goals by DSL approval of the WEWP as a wetlands conservation plan. The inventory and significance determinations for individual sites meet the DSL requirements, and the plan amendments comply with ORS 196.681 to 196.684 and OAR 141-120. For those reasons, these amendments to the West Eugene Wetlands Plan comply with Statewide Planning Goal 5.

Methodology for Goal 9 and 10 Analyses

To address consistency with Statewide Planning Goals 9 and 10, the amendments were analyzed to document additions or reductions to the supply of industrial, commercial, and residential lands within the Metro area, due to these amendments to the Plan. This analysis is based on existing inventory, supply and demand data provided in three studies: the Metropolitan Industrial Lands Special Study, the Eugene Commercial Lands Study, and the Metropolitan Area Residential Lands Study.

The following analysis includes both sites directly affected by these amendments. This analysis only considers impacts to the local inventory of buildable land resulting from these amendments to the West Eugene Wetlands Plan. It does not take into consideration changes resulting from other local plans, policies, or actions. The analysis is also based upon these facts:

1. The Metropolitan Industrial Lands Inventory Report (July 1993) identifies a projected demand for industrial land in a range from 650 acres to 1,172 acres. This projected demand was not broken down into any sub-categories, such as size, type or location. As a result the analysis here does not address these sub-categories. The Eugene Commercial Lands Study identifies a projected demand for 523 acres of commercial land, including 109 acres of office commercial and 432 acres of non-office commercial land. There were no further break-downs of the demand into other sub-categories such as size or location, and consequently

these sub-categories are not addressed here. The Metropolitan Area Residential Lands Study separated out the aggregate demand for residential land into three sub-categories: low density, medium density and high density residential. No other sub-categories, such as size, or location were included in the analysis. Consequently the analysis herein only addresses these three categories.

2. The areas designated by these amendments for Planned Transportation Corridor are vacant, undeveloped areas. Therefore, these amendments will not apply to existing development, and do not apply new land use restrictions to existing development.

3. There are no impacts to the buildable lands inventory resulting from these amendments since they involve a change in designation from one non-developable category to another (e.g., from "protect" or "restore" to "Planned Transportation Corridor").

Goal 9 - Economic Development

The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, wealth, and prosperity of Oregon's citizens.

Findings:

Industrial Lands:

These amendments to the West Eugene Wetlands Plan will not reduce the acreage of land currently available for industrial development, since they affect only land that was previously unavailable for development. Consequently, they leave adequate developable industrial land within the Eugene-Springfield metropolitan area within the 20-year planning period. Therefore, these amendments are consistent with Goal 9 with respect to industrial land.

Commercial Lands

These amendments do not include any land designated for commercial use in the Metropolitan Area General Plan.

Goal 10 - Housing

These amendments to the West Eugene Wetlands Plan will not reduce the acreage of land currently available for residential development, since they affect land previously unavailable for development. Consequently, they leave adequate developable industrial land within the Eugene-Springfield metropolitan area within the 20-year planning period. Therefore, these amendments are consistent with Goal 9 with respect to industrial land.

Conclusions

The above findings show that these amendments to the West Eugene Wetlands Plan are consistent with Oregon Statewide Planning Goals 1, 5, 9 and 10. This conclusion is based on: 1) there is no impact on the overall supply of industrial, commercial and residential land, 2) these amendments will not prohibit meeting the projected twenty-year buildable land for industrial, commercial and residential land, 3) the abundant opportunities provided for citizen involvement throughout the planning process and 4) consistency of these amendments with existing Metro Plan and West Eugene Wetlands Plan goals and policies. No further analysis of Statewide Planning Goals is necessary for these amendments to the West Eugene Wetlands Plan (RA 96-1.)

Exhibit C

Findings of Consistency with Eugene Code, Metro Plan and West Eugene Wetlands Plan Policies

These findings apply to both of the amendments included in the accompanying ordinance. The planned transportation corridor policy in the West Eugene Wetlands Plan (WEWP) was analyzed for consistency with all applicable policies from the Metropolitan General Plan (Metro Plan) as well as the remaining policies of the WEWP at the time of adoption of the policy. Therefore, site designations that are consistent with this policy are considered consistent with the Metro Plan and WEWP policies as well. Even though demonstration of consistency with this WEWP policy would be sufficient to establish consistency with the Metro Plan, this document also includes analysis of the sites against the applicable goals and policies of the Metro Plan.

Section 9.145 of the Eugene Code gives the criteria used to determine whether a proposed refinement plan amendment should be approved or not. The proposed amendments must be consistent with the criteria in section 9.145 to be approved.

A. Consistency with Metro Plan

Section 9.145 (2)(a) "The plan amendment is consistent with the Metropolitan Area General Plan;"

Findings: The Eugene Planning Commission has found that the two proposed amendments are consistent with the Metro Plan. The Metropolitan Plan (Metro Plan) diagram designates the affected properties for Campus Industrial (West 11th) and Medium Density Residential (West 18th). However, both sites are within City-owned right of way, and no zoning provisions apply. Where apparent conflicts exist between Metro Plan policy and the Metro Plan diagram, the text prevails. The analysis here relies primarily on the text of the Metro Plan.

The thrust of the West Eugene Wetlands Plan has been to attempt to balance development within wetland areas with protection of the most valuable wetlands, and replacement of lost wetlands through mitigation. These amendments are consistent with that approach, in that any wetlands filled within the Planned Transportation Corridor would be replaced through mitigation. Furthermore, this approach is supported by Metro Plan policies listed below, which call for protection of wetlands as well as maintaining adequate land for development. The process of designating wetlands for protection and development is, in part, directed by state and federal laws, which set forth guidelines for determining whether a given wetland can be filled and developed. Within this regulatory context, the proposed amendments are appropriate and consistent with Metro Plan policy.

1. Metro Plan Policies

The Metropolitan Plan contains the following policies which address the proposed amendments (related findings follow each policy):

> Policy 15, page III-B-5: "Encourage the development of transportation facilities which would improve access to industrial and commercial areas and improve freight movement capabilities by implementing the policies and projects in the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan). . ."
>
> > These amendments will facilitate improvements to existing transportation facilities called for in TransPlan and are therefore consistent with this policy.
>
> Policy 18, page III-C-9: "Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.
>
> > The West Eugene Wetlands Plan was developed to manage development in and around wetlands in West Eugene, which is sufficient to meet this policy. This policy does not give direction for protection of resources on individual sites.
>
> Policy 28, page III-C-10: "Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input."
>
> > There are two plant species known to occur in the Plan area that are listed as threatened or endangered by the State of Oregon: *Lomatium bradshawii* (Bradshaw's desert parsley) and *Erigeron decumbens* var. *decumbens* (Willamette daisy.) One of these species occurs within the West 18th site, and none occur within the West 11th site. On the West 18th site, one individual Willamette daisy plant occurs within the Planned Transportation Corridor area, while over 1,000 plants of this species are found elsewhere on the contiguous property to the north. Federal law requires that: 1) a federal permit must be granted before wetlands can be filled, and 2) the Corps of Engineers must consult with the US Fish and Wildlife Service on rare species within the project area of a proposed fill. These requirements mean that the federal permitting process could lead to the one existing rare plant being left in place, or to some form of mitigation if the plant is removed.
> >
> > Under these amendments the majority of known populations of listed rare

plants in the Plan area would be protected, with the possibility that through the wetland permitting process, all of the plants on the subject sites would be protected. Therefore, these amendments are consistent with this policy.

Policy 2, page III-E-3: "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental and energy consequences in the design and construction of urban development and landscaping shall be utilized to enhance those natural features."

The overall impact of the West Eugene Wetlands Plan, including these amendments, is to protect the majority (over 1100 acres out of approximately 1500 acres) of wetlands and waterways in the Plan area. This includes protecting natural vegetation on these sites and restoration of native habitat on several hundred acres. The two subject sites are within City-owned right-of-way, and are needed for road widening to improve the safety of the two affected streets. Based upon the high level of protection of these features within the plan area, the small impacts (up to 0.14 acre for W. 11th and up to 0.28 acre for W. 18th) that would be allowed on the two subject sites through these amendments are consistent with this policy.

Summary Conclusions: Metro Plan Consistency

The findings above indicate that the proposed amendments are consistent with all applicable Metro Plan policy.

B. Consistency with the West Eugene Wetlands Plan

Section 9.145(2)(b) "The plan amendment is consistent with remaining portions of the refinement plan;"

1. West Eugene Wetlands Plan Goals

The West Eugene Wetlands Plan contains the following applicable Goals (related findings follow each Goal):

Goal 3.1 "Protect and enhance water quality, wildlife habitat, flood storage sediment and toxicant removal and other wetland functions and values."

The Planned Transportation Corridor policy requires that impacts to water quality and habitat be minimized, and that wetlands beyond the actual project boundary be protected. These designations must conform with that policy and are, therefore, consistent with Goal 3.1. Furthermore, based upon the high level of protection of these wetland functions and values within the plan area, the small

impacts (up to 0.14 acre for W. 11th and up to 0.28 acre for W. 18th) that would be allowed on the two subject sites through these amendments are consistent with this policy.

Goal 3.5 "Protect and expand current populations and habitats of rare, endangered and threatened plants and animals that currently exist in west Eugene."

Under these amendments more than 99% of known populations of listed rare plants in the immediate vicinity would be protected, with the possibility that through the wetland permitting process, all of the plants would be protected. Therefore, these amendments are consistent with this policy. See additional discussion and findings under Metro Plan Policy 28, page III-C, above.

Goal 3.6 "Achieve state and federal requirement of "no net loss" of wetlands in both quantity (area) and quality (functions and values)."

The West Eugene Wetlands Plan addresses the "no net loss" policy through protection of valuable wetlands and the restoration of degraded wetlands to replace those that are filled. This approach is not changed by the proposed amendments. Any wetland impacts allowed under these site designations would have to be mitigated.

Goal 3.7 "Protect an interconnected system of wetlands within a sustainable, ecologically sound system, with a high likelihood of long-term survival."

The proposed amendments are both within public rights-of-way adjacent to existing, heavily traveled streets. The Planned Transportation Corridor and the road improvements on these two sites would not reduce the interconnectedness of the wetland system within the Plan area.

2. West Eugene Wetlands Plan Policies

The West Eugene Wetlands Plan, as amended by City Council Ordinance 20119 and Lane County Ordinance PA 1117, contains the following applicable policy (related findings follow the policy):

"Future fill within the Planned Transportation Corridors as shown on Wetland Designations Map (Map3) shall be limited to those areas granted state and/or federal wetland fill permits for the construction of planned public roadway improvements. New roadway construction shall be limited to those projects listed in TransPlan as of August 10, 1992, excluding those projects listed in Appendix B; no other new roads or streets are permitted. Road widening and other improvements to existing roads or streets shall be limited to those listed in TransPlan (1992) or in an adopted capital improvement plan (CIP) as of June 30, 1998. Road widening and other improvements to existing roads or

streets within wetlands designated for protection or restoration shall require an amendment of this plan to change the designation to "Planned Transportation Corridor" if the project is not listed in Trans Plan (1992) or in an adopted CIP as of June 30, 1998. In no case shall more than 1 acre (cumulative) of protected wetland be re-designated to Planned Transportation Corridor for improvement to an existing road or street."

The two sites receiving the Planned Transportation Corridor designation are adjacent to existing major streets, and are within City-owned right-of-way. Both street segments are identified as "planned trunk routes" in TransPlan. Both sites have been identified for roadway improvements in TransPlan since 1986. The W. 18th site is included within Project #277 and is identified for upgrade to a 3 lane facility with curbs, bike lanes and sidewalks (TransPlan, p. 14.) The W. 11th site is included within Project #219 and is identified for expansion to 5 lanes (TransPlan, p. 12.) These findings indicate that the two subject sites are consistent with the requirement that they be included in TransPlan. The areas of both sites are less than 1 acre (0.14 acre for W. 11th and 0.28 acre for W. 18th), which is consistent with this policy.

Summary Conclusions: West Eugene Wetlands Plan Consistency

The above findings indicate that the proposed amendments are consistent with the applicable goals and policies in the WEWP. The proposed amendments meet the criterion of consistency with the refinement plan.

C. Consistency with Remaining Approval Criteria

Section 9.145 (2)(c) "The plan amendment is found to address one or more of the following:

1. An error in the publication of the plan;"

2. "A change of circumstances in a substantial manner not anticipated in the plan;"

3. "Incorporation into the plan of new inventory material which relates to a statewide goal; or"

4. "A change in public policy."

Of the 4 criteria in 9.145(2)(c) only subsection (4) is applicable, and the following findings address that criterion only.

Findings: These amendments involve designating portion of a wetland site for "planned transportation corridor." The "planned transportation corridor" is a new Plan designation adopted in 1998. This change is introduced at this time in response to recent changes in the Oregon Administrative Rules which govern the Oregon Division of State Lands

administration of the state's wetland regulatory system. These changes, approved after adoption of the Plan in 1992, included provisions for allowing "utilities and transportation facilities not built, but specifically identified in the acknowledged local comprehensive plan " within otherwise protected areas (OAR 141, Division 86). The amendments listed above, made possible by the changes to OAR, ensure consistency between the Plan designation and policy contained in TransPlan, a refinement plan to the Metro Plan.

Conclusions: The amendments address planned transportation projects to respond to changes in state regulations and thus are consistent with the criterion in Eugene Code 9.145(2)(c)(4).

Summary Conclusions:

Each of the proposed amendments meet the criteria under Eugene Code sections 9.145(2)(a) and (2)(b) and one or more of the criteria for approval of a refinement plan amendment as set forth in Eugene Code section 9.145(2)(c).

Based upon the discussion, findings and conclusions herein (above) the Eugene City Council finds the proposed amendments to be consistent with the criteria contained in Eugene Code section 9.145.

ORDINANCE NO. 20171

AN ORDINANCE AMENDING ORDINANCE NO. 20126; AMENDING THE WEST EUGENE WETLANDS PLAN BY ADOPTING NEW AND REVISED PLAN POLICIES RELATED TO THE CRITERIA FOR WETLAND DESIGNATIONS; AND ADOPTING A SEVERABILITY CLAUSE.

The City Council of the City of Eugene finds that:

A. On May 20, 1992, the Eugene City Council adopted Ordinance No.19853 adopting the West Eugene Wetlands Special Area Study, a refinement plan to the Eugene-Springfield Metropolitan Area General Plan, subsequently amended in part by Ordinance No. 19867 adopted by the City Council on August 10, 1992.

B. On March 6, 1992, the Eugene City Council adopted Ordinance No. 20002 amending the West Eugene Wetlands Special Area Study and changing the name to the West Eugene Wetlands Plan.

C. The City of Eugene has initiated additional amendments to the West Eugene Wetlands Plan to amend Plan policies and text, and to adopt wetland designations for certain properties located within the Plan boundary.

D. On March 19, 1996 the Eugene Planning Commission conducted a joint public hearing with the Lane County Planning Commission on draft amendments to the West Eugene Wetlands Plan.

E. On May 6, 1996 and on May 5 and May 12 and December 8, 1997, the Eugene Planning Commission voted to recommend approval of amendments to the West Eugene Wetlands Plan. On June 4, 1996 and on September 16 and December 16, 1997, the Lane County Planning Commission voted to recommend approval of these amendments to the West Eugene Wetlands Plan to the Lane County Board of Commissioners.

F. On February 18 and April 8, 1998, the Eugene City Council conducted a joint public hearing and a joint work session with the Board of County Commissioners of Lane County on amendments to the policy and text of the West Eugene Wetlands Plan.

G. On May 20, 1998 the Eugene City Council adopted Ordinance No. 20119 amending the West Eugene Wetlands Plan to establish new Planned Transportation Corridor and Utility Corridor wetland designations, and on February 22, 1999, adopted Ordinance No. 20147 adopting Planned Transportation Corridor wetland designations for City of Eugene properties located within

the West 18th and West 11th Avenue road improvement projects. On June 24, 1998 the Board of County Commissioners adopted Board Ordinance No. PA 1117 amending the West Eugene Wetlands Plan to establish new Planned Transportation Corridor and Utility Corridor wetland designations and, on April 21, 1999, adopted Board Ordinance No. PA 1129 adopting Planned Transportation Corridor wetland designations for City of Eugene properties located within the West 18th and West 11th Avenue road improvement projects.

H. On July 8, 1998 the City Council adopted Ordinance No. 20126 amending the West Eugene Wetlands Plan by adopting new or revised Plan policies and revising Plan text. On November 10, 1998, the Board of County Commissioners of Lane County adopted Board Ordinance No. PA 1106, which adopted the provisions of Ordinance No. 20126, except that the Board first (1) deleted policy amendments 62, 64 and 66, (2) deleted non-policy amendment 44, and (3) amended policy amendments 68 and 80. The Board also forwarded alternative amendments related to the criteria to the Eugene City Council for consideration.

I. The Board of County Commissioners of Lane County and the Eugene City Council established the Council/Board Committee on West Eugene Wetlands Policy Amendments to review alternatives and prepare a joint recommendation to the Board and the Council on amendments to the West Eugene Wetlands Plan criteria for protection, development and restoration.

J. The Council/Board Committee on West Eugene Wetlands Policy Amendments has completed its work and forwarded a recommendation to the Board of County Commissioners and the Eugene City Council.

K. Evidence exists within the record that the proposal meets the requirements of Chapter 9 of the Eugene Code, 1971 and the requirements of applicable state and local law as described in the findings adopted in support of this Ordinance.

L. The City Council has conducted a public hearing on the recommended Plan amendments and is now ready to take action on these amendments as set forth in Section 1 and Exhibit A.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 20126, adopted by the City Council and approved by the Mayor on July 8, 1998, is hereby amended as follows:

1. Exhibit A, attached to Ordinance No. 20126 is amended by:

    a. deleting policy amendments 62, 64 and 66;

b. deleting non-policy amendment 44;

c. amending policy amendment 68 by deleting the words "Policy 3.17" and replacing them with "Appendix B"; and

d. amending policy amendment 80 to read as follows:

4.19 Allow development of wetlands that meet the criteria for wetland development contained in Appendix B of the Plan as illustrated on the Wetland Designations Map (Map 3).

2. Section 3 of Ordinance No. 20126 is deleted.

Section 2. The West Eugene Wetlands Plan, as adopted by Ordinance No. 19853 and amended by Ordinance No. 19867, Ordinance No. 20002, Ordinance No. 20119, Ordinance No. 20126 (as amended by section 1 of this Ordinance), and Ordinance No. 20147, is further amended as set forth in attached Exhibit A incorporated by this reference as if fully set forth.

Section 3. The Eugene City Recorder, with the concurrence of the City Attorney and County Counsel, is authorized to administratively renumber any provisions of the West Eugene Wetland Plan (Plan) at the time the provisions adopted herein are incorporated into the Plan, and to correct any cross-references necessitated by the renumbering.

Section 4. Although not part of this Ordinance, the findings in attached Exhibits B and C are adopted in support of this Ordinance.

Section 5. Notwithstanding the provisions of the Eugene Charter of 1976, amendments to the West Eugene Wetlands Plan adopted by Exhibit A to this Ordinance shall not become effective until identical provisions are adopted by the Lane County Board of Commissioners.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Passed by the City Council this

11th day of October, 1999

City Recorder

Approved by the Mayor this

11th day of October, 1999

Mayor

Exhibit A

Amendments to the West Eugene Wetlands Plan

Deletions are shown in ~~strikeout~~, additions are shaded.

Policy Amendments

Move the protection and development criteria from Appendix B to Chapter 3, upgrade criteria to policy status and amend as follows (formerly amendment #62 in Ordinance No. PA 1106):

3.17 The following standards and criteria shall be used to designate newly identified wetland sites or portions of sites (i.e., undesignated wetlands within the West Eugene Wetlands Plan boundaries) for protection, development or restoration on the Wetlands Designation Map (Map 3) of the West Eugene Wetland Plan. These standards and criteria provide the framework for maintaining a balance within the plan area between environmental protection and sound urban development, consistent with state and federal wetland law.

For each site or portion of a site, designations shall be based upon either 1) finding that the site meets at least one of the standards, or 2) a thorough consideration of how all the criteria apply to the site. A wetland site need not meet all of the criteria for a given designation in order to be given that designation. The restoration designation shall be used to identify sites considered important primarily for their location and function in the larger wetland system, and the restoration criteria shall be applied when a site does not clearly meet either the protection or development standards or the protection or development criteria as a whole.

~~CRITERIA FOR DETERMINING WETLAND SITES TO BE PROTECTED AND DEVELOPED~~

Protection

~~The following criteria were used to identify those sites suitable for and deserving of protection:~~

Standard

~~1. Presence of rare plants.~~

~~2.~~1. Sites ~~has Metropolitan Plan designation of~~ designated "Natural Resource" on the Metropolitan Area General Plan diagram shall be designated for protection.

Criteria

1. Site contains population(s) of one or more rare plant or animal species and contains sufficient and suitable habitat for the long-term protection of the population(s). This criterion is not met if only small occurrences of a rare plant species are found on a site with limited suitable habitat that is isolated from other undeveloped parcels.

~~3.~~2. Site is primarily within the 100 year floodplain.

~~4.~~3. Site is ~~near a perennial waterway~~ within 100 feet of a waterway (stream) designated for protection on Map 3 of the West Eugene Wetlands Plan.

~~5.~~4. Site ~~is connected geographically or hydrologically to other wetlands or waterways~~ has a direct perennial or intermittent surface water connection to a wetland designated for protection on Map 3 of the West Eugene Wetlands Plan.

~~6.~~5. Site contains a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region.

~~7.~~6. Site has unique characteristics which make it of special importance to the functioning of the larger wetland system in West Eugene, and ~~P~~protection of site would further the goals and objectives of ~~this plan~~ the West Eugene Wetlands Plan.

~~8.~~7. Presence of unique Willamette Prairie Grassland plant community. Site contains indigenous wet prairie habitat. This criterion is intended to apply to areas of wet prairie habitat that are large or of moderate to high quality.

Development

~~The following is the list of criteria used in evaluating sites for possible development:~~

Standard

1. The site shall be designated for development if, ~~Prior to adoption of this Plan~~ at the time of designation of the site in the West Eugene Wetlands Plan, ~~the site~~ it has ~~an~~ a valid, approved wetland impact permit from the Oregon Division of State Lands and the U.S. Army Corps of Engineers~~, or an approved Final Environmental Impact Statement~~.

Criteria

~~2.~~1. ~~The s~~Site is relatively isolated or disconnected from the larger system of wetlands and waterways.

~~3.~~2. ~~The s~~Site is served by existing streets, roads, sanitary sewers and municipal water.

~~4.~~3. ~~The s~~Site is adjacent to or surrounded by existing development.

~~5.~~4. ~~The s~~Site has frontage on a major highway or street.

~~6.~~5. Site has unique characteristics which make it of special importance to the economic development of West Eugene, and allowing development of site

would further the goals and objectives of the West Eugene Wetlands Plan.

6. Site characteristics, including size, location and surrounding uses and activities are such that there exists a high probability that the site cannot be protected in perpetuity through the West Eugene Wetlands Program.

Restoration

Standard

1. Any site or portion of a site that is providing compensatory wetland mitigation as part of an approved state or federal wetland fill permit shall be designated for restoration.

Criteria

1. Site contains hydric soils.
2. Site is either a disturbed agricultural wetland or previously exhibited wetland characteristics.
3. Site is capable of providing adequate wetland hydrology.
4. Site does not currently benefit from municipal infrastructure and urban services.
5. Site is either larger than 15 acres or is contiguous with a waterway (stream) designated for protection on the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan."

Move Policy 4.20 to Chapter 3 and amend as follows (formerly amendment #66 in Ordinance No. PA 1106):

> "~~Adopt the protection and development criteria, contained in Appendix B, as the basis for the classification of the wetland sites shown on WEWSAS Map 3 and , for any new sites, a~~ Apply ~~these~~ the criteria in Policy 3.17 to any newly delineated wetlands to determine their protection/development/restoration status."

Amend the new policy adopted as amendment #68 in Ordinance No. PA 1106 as follows:

> Pursue interim protection of sites which contain rare species, but do not meet the criteria for protection in ~~Appendix B~~ Policy 3.17 through conservation easements or other measures until either (1) the affected species are de-listed or (2) conservation agreements are reached between the property owner and affected natural resources agencies to address the rare species populations.

Amend Policy 4.19 (previously amended by Ordinance No. PA 1106, amendment #80):

> 4.19 Allow development of wetlands that ~~meet the criteria for wetland~~ are designated for development ~~contained in Appendix B of the Plan, as illustrated~~ on the

Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan.

Non-policy Amendments

Delete Appendix B (formerly non-policy amendment #44).

Add the following terms and definitions to the Glossary:

"STANDARD: a written objective condition, which if met by a site, automatically determines the wetland designation to be applied."

"CRITERIA, CRITERION: a written measure of character or quality, which is considered together with all other criteria to make a wetland designation decision on sites which do not meet any of the standards."

"PLAN: As used anywhere in this document, the terms "the Plan", "this Plan", "West Eugene Wetlands Plan" or "the WEWP" are all references to the current West Eugene Wetlands Plan as adopted or hereafter amended."

"DIRECT, SURFACE WATER CONNECTION: The presence of a physical connection, including existing culverts and other similar facilities, such that surface runoff from one wetland can flow into or onto another wetland via channel flow or sheet flow."

C:\WINDOWS\TEMP\99WEWP~1.WPD — October 15, 1999

Exhibit B

Findings of Consistency with Oregon Statewide Planning Goals

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is a local comprehensive plan acknowledged by the state's Land Conservation and Development Commission, and the West Eugene Wetlands Plan is an adopted refinement plan to the Metro Plan. This document contains findings that address the consistency of the attached amendments to the West Eugene Wetlands Plan with applicable Oregon Statewide Planning Goals.

These amendments to the West Eugene Wetlands Plan (WEWP) will result in changes to existing locally adopted policy that address four land use categories: natural resources, industrial lands, commercial lands, and residential lands. Accordingly, this analysis addresses Oregon Statewide Planning Goal 1 (Citizen Involvement), Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources), Goal 9 (Economic Development) and Goal 10 (Housing). This analysis concludes that these refinement plan amendments are consistent with applicable Oregon Statewide Planning Goals.

Background

The amendments analyzed herein are changes to policies and text of the West Eugene Wetlands Plan. The amendments include 1) changes to the criteria used to designate wetlands for protection, restoration or development and 2) changes to related policies and plan text necessary to maintain consistency with the new criteria. These amendments will not change the plan designation of any land. These amendments clarify and further refine the WEWP. The findings of goal compliance made as part of initial adoption of the WEWP remain essentially unaffected by these amendments. The amendments do not significantly alter the function, design or structure of the WEWP.

Goal 1-Citizen Involvement

Statewide Goal 1 calls for local governments "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The planning and adoption process for these amendments has incorporated many opportunities for citizen involvement at all phases of the process as detailed below.

1. Preliminary staff recommendations for policy and text amendments to the West Eugene Wetlands Plan were first presented to the public in a workshop held on June 28, 1994. Notices were sent to all affected owners, and everyone on the West Eugene Wetlands Plan interested parties list (more than 800 people).

2. Another public workshop was held on December 5, 1995 to present revised staff recommendations for amendments to the public. Again, notice was sent to all affected property owners and more than 900 interested parties. Citizen and agency comments from this workshop were incorporated into the staff recommendations forwarded to the Eugene and Lane County Planning Commissions.

3. On March 18, 1996, a public hearing was held before the Eugene and Lane County Planning Commissions regarding these amendments to the West Eugene Wetlands Plan. Notice was sent to all affected property owners, all owners and occupants within 400 feet of affected properties, affected neighborhood groups and more than 900 interested parties. Bright orange notices were posted next to each affected property regarding the hearing.

4. On December 17, 1997, a second public hearing was held before the Eugene Planning Commission and the Lane County Planning Commission regarding four specific plan amendments. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

5. On February 18, 1998, a public hearing was held before the Eugene City Council and the Lane County Board of Commissioners regarding amendments which included some of the amendments in the present ordinance. The record was held open for 14 days (until March 4, 1998) for written comments. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

6. On June 24, 1999, notice was sent to all interested parties notifying them that a new proposal had been developed for the wetland designation criteria, and explaining where to view the proposal on the world wide web and where to obtain a paper copy. The mailing also included the date, time and place for the August 4, 1999 public hearing.

6. On August 4, 1999, a public hearing was held before the Eugene City Council and the Lane County Board of Commissioners regarding these amendments.

We find that the opportunities for citizen involvement detailed above are beyond what is necessary to achieve consistency with Goal 1.

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

The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open spaces. In addition to the Goal, the Land Conservation and Development Commission has adopted an administrative rule to aid local government in achieving the requirements of the Goal. The original Goal 5 Rule, OAR 660, Division 16, was adopted in 1991; revisions to the Goal 5 Rule were adopted in 1996 as OAR 660, Division 23. The 1991 Goal 5 Rule continues to apply to post-acknowledgment plan amendments, such as the West Eugene Wetlands Plan amendments, initiated before September 1, 1996.

Goal 5 and the 1991 Goal 5 Rule focus on the process required to prepare a Goal 5 inventory and develop a program to achieve the goal on a site-specific basis, through preservation of a resource site; allowing conflicting uses and the loss of the resource; or mitigating negative impacts associated with the conflicting uses through partial protection.

Findings:

The West Eugene Wetlands Plan (WEWP) is an approved wetland conservation plan as defined in ORS 196.800(15). Approval for the existing plan as a Wetland Conservation Plan was granted by the Oregon Division of State Lands on September 13, 1994 and amended on September 11, 1997. ORS 196.684(8) specifies the relationship between Wetland Conservation Plan approval and compliance with Goal 5:

> "Wetland conservation plans approved by the Director of the Division of State Lands pursuant to ORS 196.668 to 196.692 shall be deemed to comply with the requirements of any statewide planning goals related to wetlands, other than estuarine wetlands, for those areas, uses and activities which are regulated by the plan." [See also, ORS 197.279]

Approval of the West Eugene Wetlands Plan by the Oregon Division of State Lands (DSL) as provided by law, satisfies all the requirements of any applicable statewide planning goal related to wetlands (including Goal 5) for those areas, uses and activities which are regulated by the plan.

The amendments clarify and further refine the WEWP. The findings of goal compliance made as part of initial adoption of the WEWP remain essentially unaffected by these amendments. The amendments do not significantly alter the function, design and structure of the WEWP.

The fundamental program developed for Goal 5 compliance remains essentially unchanged. The policies and criteria of the WEWP operate as a tool to further Goal 5 compliance by assisting in determining the significance of wetland resources, the conflicts and the economic, social, environmental and energy values involved in protecting the resource. That analysis approaches the wetlands of West Eugene as part of an interconnected natural system rather than as separate, discrete sites. The focus remains inside the West Eugene Wetlands Special Study Area, keeping

in mind that the larger system of which these wetlands are a part extends beyond this and other political boundaries.

The Plan as adopted in 1992 struck a unique balance between protection and development of wetlands within the Plan area. Over 280 acres of wetlands were designated for development, but a much larger area, over 1,000 acres, was designated for protection or restoration. The magnitude of wetlands designated for both development and protection was unprecedented in Oregon. The current amendments maintain the balance established by the original plan by keeping the policies in line with those in the original Plan.

As detailed in Exhibit D, the amendments are consistent with the applicable policies of the Metro Plan and the West Eugene Wetlands Plan. Those are the same policies previously acknowledged as being in compliance with statewide planning goals; and, in the case of the West Eugene Wetlands Plan policies, deemed to be in compliance with applicable statewide goals by DSL approval of the WEWP as a wetlands conservation plan. The plan amendments comply with ORS 196.681 to 196.684 and OAR 141, Division 120. For those reasons, the policy and text amendments to the West Eugene Wetlands Plan comply with Statewide Planning Goal 5.

Goal 9 - Economic Development

The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, wealth, and prosperity of Oregon's citizens.

Findings:

The analysis below considers effects of the proposed changes to the policies and text of the West Eugene Wetlands Plan on the supply of buildable industrial and commercial land. The key in this analysis is the examination of the potential impact to buildable lands of the proposed criteria for designating wetlands compared with that of the criteria currently in the plan. The narrative analysis below shows that the changes do not change the criteria towards protecting more wetlands than would be protected under the criteria currently in the Plan.

Existing Protection Criteria	Proposed Protection Criteria	Impact of Change
1. Presence of rare plants	1. Site contains population(s) of one or more rare plant or animal species and contains sufficient and suitable habitat for the long-term protection of the population(s). The criterion is not met if only small occurrences of a rare plant species are found on a site with limited suitable habitat that is isolated from other undeveloped parcels.	Change from very broad definition of rare plants in existing plan glossary to list of species in policy, which narrows number of sites that will meet criterion. Specifies size, habitat and distribution characteristics, and excludes small occurrences of rare plants, which also means that potentially fewer sites would meet the criterion. This change favors development slightly more than existing criterion, but reflects original plan intent.
2. Site has Metropolitan Plan designation of Natural Resource.	Changed to a standard, and reworded as follows: Sites designated "Natural Resource" on the Metropolitan Area General Plan diagram shall be designated for protection.	The change in wording is for readability only. The only sites with the Natural Resources designation in the Metro Plan were already designated in the original 1992 Plan. No impact.
3. Site is within the 100 year floodplain.	2. Site is primarily within the 100 year floodplain.	Distinguishes between sites where a tiny portion is within the floodplain from those where most of the site is within it. This will mean that fewer sites will meet the criterion. This change favors development somewhat more than existing criterion, but reflects original plan intent.

Existing Protection Criteria	Proposed Protection Criteria	Impact of Change
4. Site is near a perennial waterway.	3. Site is within 100 feet of a waterway (stream) designated for protection on Map 3 of the West Eugene Wetlands Plan.	Considered together with the change to the next criterion, this criterion would identify the same wetlands as the original criteria 4 (which identifies wetlands next to perennial waterways and 5 (addresses those next to other waterways). No change.
5. Site is connected geographically or hydrologically to other wetlands or waterways.	4. Site has a direct perennial or intermittent surface water connection to a wetland designated for protection on Map 3 of the West Eugene Wetlands Plan.	By narrowing the field of sites that can meet the criteria to only those with surface water connections to protected wetlands, this change slightly moves the criteria toward development.
6. Site contain a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region.	5. Site contain a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region.	No change in this criterion.
7. Protection of site would further the goals and objectives of this plan.	6. Site has unique characteristics which make it of special importance to the functioning of the larger wetland system in West Eugene and protection of site would further the goals and objectives of the West Eugene Wetlands Plan.	This change adds an additional factor of unique characteristics to the existing criterion. Since they are joined by "and", a site must have both unique characteristics AND further plan goals and objectives to meet this criterion. This added factor would, if anything, slightly reduce the number of sites that would meet this criterion.

Existing Protection Criteria	Proposed Protection Criteria	Impact of Change
8. Presence of unique Willamette Prairie Grassland plant community.	7. Presence of unique Willamette Prairie Grassland plant community. Site contains indigenous wet prairie habitat. This criterion is intended to apply to areas of wet prairie habitat that are large or of moderate to high quality.	Updates terms, makes format consistent with other criteria and adds qualifiers of size and quality. The added qualifiers reduce the number of sites that will meet this criterion. This change favors development slightly more than the existing criterion, but reflects original plan intent.

Existing Development Criteria	Proposed Development Criteria	Impact of Change
1. Prior to adoption of this Plan, the site has an approved wetland impact permit from the Oregon Division of State Lands and U.S. Army Corps of Engineers, or an approved Final Environmental Impact Statement	Changed to a standard, and reworded as follows: The site shall be designated for development if, at the time of designation of the site in the West Eugene Wetlands Plan, it has a valid, approved wetland impact permit from the Oregon Division of State Lands and the U.S. Army Corps of Engineers.	Addition of the phrase " at the time of designation of the site" potentially allows more sites to meet this criterion, since it includes sites that received permit approvals after plan adoption, but before designation of the site in the plan. This change favors development slightly, but reflects the intent of the existing plan. The phrase "or an approved Final Environmental Impact Statement" has been removed since it was originally added only to address the West Eugene Parkway. The Parkway alignment would be designated Planned Transportation Corridor, and thus does not need to be addressed in these criteria, so that change has no impact.

Existing Development Criteria	Proposed Development Criteria	Impact of Change
2. The site is relatively isolated or disconnected from the larger system of wetlands and waterways.	1. Site is relatively isolated or disconnected from the larger system of wetlands and waterways.	No change.
3. The site is served by existing streets, roads, sanitary sewers and municipal water	2. Site is served by existing streets, roads, sanitary sewers and municipal water	No change.
4. The site is adjacent to or surrounded by existing development	3. Site is adjacent to or surrounded by existing development	No change.
5. The site has frontage on a major highway or street.	4. Site has frontage on a major highway or street.	No change.
N/A	5. Site has unique characteristics which make it of special importance to the economic development of West Eugene, and allowing development of site would further the goals and objectives of the West Eugene Wetlands Plan.	This new criterion was added to allow consideration of factors such as a scarce land use category or a unique location in relationship to the larger picture of economic development in the plan area. This change was intended to give more "weight" in the development criteria for these unique sites, and make it more likely that they would be designated for development. This change favors development somewhat, and is consistent with the goals and policies in the plan.

Existing Development Criteria	Proposed Development Criteria	Impact of Change
N/A	6. Site characteristics, including size, location and surrounding uses and activities are such that there exists a high probability that the site cannot be protected in perpetuity through the West Eugene Wetlands Program.	This criterion was added in order to place a higher development value on sites that cannot physically be protected and maintained as wetland. This criterion slightly favors development, since wetlands that are environmentally valuable would be rated higher for development value if they could not adequately be protected from adjacent uses.

Existing Restoration Criteria	Proposed Restoration Criteria	Impact of Change
N/A	Standard: Any site or portion of a site that is providing compensatory wetland mitigation as part of an approved state or federal wetland fill permit shall be designated for restoration.	No impact under any circumstances, since state and federal law require that mitigation sites cannot be developed.

Existing Restoration Criteria	Proposed Restoration Criteria	Impact of Change
N/A	1. Site contains hydric soils.	In the original West Eugene Wetlands Plan, there were no criteria listed to identify sites suitable for the restoration designation. These criteria fit closely with the sites designated for restoration/mitigation in the original plan. So, with respect to the intent and effect of the original Plan, these criteria do not represent a change. They only clarify how such sites are to be identified. Since they make it neither more likely nor less likely that a given site will be allowed to develop, the addition of these criteria is treated as neutral with respect to impacts to buildable lands.
N/A	2. Site is either a disturbed agricultural wetland or previously exhibited wetland characteristics.	
N/A	3. Site is capable of providing adequate wetland hydrology.	
N/A	4. Site does not currently benefit from municipal infrastructure and urban services.	
N/A	5. Site is either larger than 15 acres or is contiguous with a waterway (stream) designated for protection on the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan.	

In summary, the above tables show that nearly all of the proposed changes slightly favor the development designation compared to the criteria in the existing plan. However, the changes are so minor that they can be considered essentially neutral when considering their impact on future site designations. In fact, the changes were both proposed and adopted with the intent that they would clarify existing policy, not substantially change it. There is no evidence that proposed criteria for designating wetlands will result in more protection of industrial or commercial lands than the current criteria.

Industrial Lands

The Metropolitan Industrial Lands Special Study, including both the Inventory Report and the Policy Report, describes the long-term supply and demand for industrial lands metro-wide. In 1992, these documents were approved by the Eugene City Council, the Springfield City Council

and the Lane County Board of Commissioners. According to the data and findings contained in these reports (as of January 1, 1989), approximately 3,600 acres of buildable industrial land were available in the Metro area.[1] The twenty-year demand projection for buildable industrial land was between 650 and 1,172 acres.[2]

Wetland designation changes to protection or restoration as a part of these amendments would decrease the available inventory of industrial land. Wetland designation changes from protection or restoration to development would increase the supply of available industrial land.

The proposed policy changes would result in some sites being protected and some being allowed to develop. For the sake of analysis, let us assume that all the undesignated wetland sites would be designated for protection. If this were true it would reduce the buildable industrial land supply by 179.5 acres. This represents a 5% reduction in the overall supply of industrial land, leaving 3,420.5 acres of inventoried industrial land unaffected by these refinement plan amendments. This represents a supply that is 2,248.5 acres more than the maximum projected twenty-year demand for 1,172 acres.

Commercial Lands

The Eugene Commercial Lands Study (1992), provides an analysis of the supply and demand of vacant commercial land within Eugene. The study was prepared by the Eugene Planning Commission, and it serves as a refinement to the Metropolitan Area General Plan. According to the findings contained in this study, 702 acres (adjusted total supply) of vacant commercial land were available.[3] The projected twenty-year demand for vacant commercial land (within the Eugene portion of the Urban Growth Boundary only) was 532 acres, including 109 acres of developable office land and 423 acres of non-office commercial.[4] For the purposes of this analysis, developable office is land designated in the Metropolitan Area General Plan for commercial use, which is zoned GO General Office. There is no land zoned General Office that contains undesignated wetland. Therefore, there will be no impact to the supply of office commercial land as a result of these amendments.

Wetland designation changes to protection or restoration as a part of these amendments would, in effect, decrease the available inventory of commercial land. Designation changes from protection or restoration to development would increase the supply of available commercial land.

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1 Metropolitan Industrial Lands Inventory Report, Lane Council of Governments, 125 East 8th Avenue, Eugene, Oregon, 97401, July 1993, p.73.

2 Ibid., p.73.

3 Eugene Commercial Lands Study, Eugene Planning and Development Department, 777 Pearl Street, Room 106, Eugene, Oregon, 1992, p. II-15.

4 Ibid., p.II-15.

Under the proposed amendments, some wetlands would be designated for protection or restoration, and some for development.

There are currently 18.8 acres of commercial land that contains undesignated wetlands within the WEWP area. If all of these acres were removed, it would represent a 2.7% reduction in the overall supply of inventoried commercial lands, leaving about 683.2 acres of inventoried commercial land still available. This is 150 acres more than the projected twenty-year demand.

Since no office commercial lands were impacted, it must be assumed that all reduction would be to the non-office commercial category. The projected demand for this category is 423 acres. According to the Commercial Lands Study, the inventory of buildable commercial land includes 465 acres of land designated in the Metro Plan for commercial use, but not zoned for office use. An additional 197 acres is included in the inventory that is not categorized between office and non-office use, though a percentage of it can be assumed available for non-office commercial. Using only the 465 acres explicitly denoted in the Commercial Lands Study, after subtracting the 18.8 acres that could be removed by protection of wetlands in these amendments, 451 acres are left, which is 23 acres more than the projected demand for this category.

The foregoing analysis concludes that even if all of the commercial and industrial undesignated wetlands were removed from the buildable lands inventory by designating them for protection, there would be adequate land in the inventory to the meet the project 20-year demand for industrial and commercial land.

Since the policy changes clearly do not move the Plan toward more protection, and since even removing the maximum possible acres from the land supply would leave adequate buildable land in both categories, these amendments are consistent with Goal 9.

Goal 10 - Housing

The purpose of Goal 10 is to provide for housing needs of the citizens of the state.

Findings:

As discussed and analyzed above, the proposed policy amendments do not move the plan toward protecting more wetlands. There is no evidence that the proposed criteria for designating wetlands will result in more protection of residential lands than the current criteria.

The Metropolitan Area Residential Land Study: Supply and Demand Analysis (1991), describes the supply and demand for residential lands within the Eugene-Springfield Urban Growth Boundary. This report is the 1989 update to the residential supply and demand analysis prepared for the Metropolitan Area General Plan. According to the findings contained in this report,

11,414 acres of vacant, buildable residential land were available in the Metro area in 1989.[5] The twenty-year demand projection for vacant, buildable residential land was between 7,410 and 8,230 acres.[6]

Wetland designation changes to protection or restoration as a part of these amendments would, in effect, decrease the available inventory of residential land. The total area of residential land that contains undesignated wetlands is 72 acres. If all of these acres were protected and removed from the buildable lands inventory it would represent a 0.6% reduction in the overall supply of inventoried residential lands, leaving about 11,342 acres of inventoried residential land still available. This represents a supply of several thousand acres beyond the projected twenty-year demand for between 7,410 and 8,230 acres.

The foregoing analysis concludes that even if all of the residential undesignated wetlands were removed from the buildable lands inventory by designating them for protection, there would still be adequate land in the inventory to the meet the projected 20-year demand.

Since the policy changes clearly do not move the Plan toward more protection, and since even removing the maximum possible acres from the residential land supply would leave adequate buildable land to meet the projected 20-year demand, these amendments are consistent with Goal 10.

Conclusions

The above findings show that these amendments to the West Eugene Wetlands Plan are consistent with Oregon Statewide Planning Goals 1, 5, 9 and 10. This conclusion is based on the following: 1) the abundant opportunities provided for citizen involvement throughout the planning process 2) the proposed policy amendments do not move the plan toward protecting more wetlands, 3) the maximum acreage that could be removed by designating currently undesignated wetlands would still leave adequate industrial commercial and residential lands to meet the projected demands for the 20-year planning period and 4) these amendments do not significantly alter the basic structure and function of the West Eugene Wetlands Plan and its protection of wetland resources. No further analysis of Statewide Planning Goals is necessary for these amendments to the West Eugene Wetlands Plan.

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5 Metropolitan Area Residential Lands Study, Eugene Planning and Development Department, City of Springfield Development Services Department, Lane Council of Governments, June, 1991, p.44.

6 Ibid., p.103.

Exhibit C

Findings of Consistency with Refinement Plan Amendment Criteria

Eugene Code section 9.145 provides the criteria to determine whether a proposed plan amendment should be approved. The proposed amendments must be consistent with the criteria in EC 9.145 to be approved.

Section 9.145(2) "(a) The plan amendment is consistent with the Metropolitan Area General Plan;"

Findings:

The attached ordinance does not contain any plan diagram changes. Therefore, these amendments are consistent with the Metro Plan diagram.

The Metro Plan contains the following policies which address the proposed amendments (related findings follow each policy):

Policy 1, page III-B-4: "Demonstrate a positive interest in existing and new industries, especially those providing above average wage and salary levels, an increased variety of job opportunities, a rise in the standard of living, and utilization of our existing comparative advantage in the level of education and skill of the resident labor force."

Proposed Policy 3.17 acknowledges the value of existing and new industrial development. This policy continues to provide a framework for allowing wetlands of lesser value to be developed with planned industrial uses, and for those wetlands to be replaced through the mitigation bank with greater ease.

Policy 5, page III-B-5: " Provide existing industrial activities sufficient adjacent land for future expansion."

Proposed Policy 3.17 does not specifically address preservation of land for expansion of existing industrial development. However, the criteria for identifying sites suitable for development acknowledge the economic value of certain sites in criteria 3-6. In addition, proposed Policy 3.17 includes a new criterion for designating sites for development that acknowledges the unique characteristics of a site which make it of greater importance to the economic value of the area. Under some circumstances, this criterion could address expansion of existing businesses.

Policy 18, page III-C-9: "Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies and restrict development

in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas."

This policy sets direction for future legislative implementation of the goals and policies of the Metro Plan and is not intended to be applied to a specific action or proposal. In addition, the West Eugene Wetlands Plan as a whole is a plan which outlines a program for management of development in and around wetlands to protect values as described in Policy 18.

Policy 19, page III-C-9: "Local governments shall develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan Update."

The West Eugene Wetlands Plan, which contains policies and local land use controls for wetlands in west Eugene, was adopted in 1992. The current proposed amendments will update the 1992 Plan. The proposed text amendments do not affect policies which prescribe the primary wetland protection measures to be implemented: wetland acquisition, wetland buffers and waterside setbacks.

Policy 28, page III-C-10: "Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input."

Protection criterion #1 under proposed Policy 3.17 addresses protection of rare plants. This criterion places higher value on wetlands with rare plants on sites with potential for long-term protection and management. It helps to ensure that wetlands with rare plant species are given strong consideration for long-term protection, in conjunction with consideration of other criteria. Proposed policy 3.17 is consistent with Policy 28.

Policy 2, page III-E-3: "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental and energy consequences in the design and construction of urban development and landscaping shall be utilized to enhance those natural features."

The criteria in proposed Policy 3.17 for designating wetlands sites (or portions of sites) includes criteria for protection and/or restoration of wetlands, which will prevent disturbance of wetlands, water features and natural vegetation on those sites. By protecting wildlife habitat, water quality and vegetation on sites that meet these criteria, these proposed amendments are consistent with the above policy.

The reference to "economic, social, environmental and energy impacts" comes from statewide planning Goal 5. See Exhibit B, (incorporated herein by reference) for a

discussion of consistency of these amendments with Goal 5.

The overall impact of applying the policies in the proposed amendments to the West Eugene Wetlands Plan, if they are approved, is to continue to protect the majority of wetlands and waterways in the Plan area in the manner established by the original Plan. This includes protecting natural vegetation on the most valuable wetland sites and restoration of native habitat on suitable restoration sites. Based upon the level of protection of these provisions, the amendments are consistent with this policy.

Summary Conclusions: Metro Plan Consistency

The findings above indicate consistency with all applicable Metro Plan policies. The proposed amendments meet the criterion of Metro Plan consistency.

Section 9.145(2)(b): "The plan amendment is consistent with remaining portions of the refinement plan;"

Findings:

The West Eugene Wetlands Plan contains the following applicable Goals (related findings follow each Goal):

Goal 3.1 "Protect and enhance water quality, wildlife habitat, flood storage sediment and toxicant removal and other wetland functions and values."

The criteria in proposed Policy 3.17 for designating wetlands sites (or portions of sites) includes criteria for protection and/or restoration of wetlands, which will prevent disturbance of wetlands, water features and natural vegetation on those sites. By protecting wildlife habitat, water quality and vegetation on sites that meet these criteria, these proposed amendments are consistent with the above goal.

Goal 3.2 "Minimize economic hardship on private property owners due to protection of wetlands and other valuable environmental resources."

The criteria proposed in these amendments for designating wetland sites (or portions of sites) include criteria for identifying sites for future development. They include one criterion (development criterion 6) that recognizes sites that are of particular importance to the economic development of West Eugene. This criterion can be used to recognize outstanding economic features of a site that contribute significantly to the economic development of the area. These criteria are designed to preserve development values on sites where environmental values are low and development values are high. The amendments leave intact various provisions and policies addressing economic development values that are contained in the West Eugene Wetlands Plan. These provisions support Goal 3.2. No new policies are introduced that contradict Goal 3.2.

Goal 3.5 "Protect and expand current populations and habitats of rare, endangered and threatened plants and animals that currently exist in west Eugene."

Protection criterion #1 under proposed Policy 3.17 addresses protection of rare plants. This criterion places higher value on wetlands with rare plants on sites with potential for long-term protection and management. It helps to ensure that wetlands with rare plant species are given strong consideration for long-term protection, in conjunction with consideration of other criteria. Previously adopted policies identify which species are considered rare within the plan area. The proposed amendments are consistent with this goal.

Goal 3.6 "Achieve state and federal requirement of "no net loss" of wetlands in both quantity (area) and quality (functions and values)."

The West Eugene Wetlands Plan addresses the "no net loss" policy through protection of valuable wetlands and coordinated restoration of degraded wetlands to replace those that are filled. This approach is not changed by the proposed amendments.

Goal 3.7 Protect an interconnected system of wetlands within a sustainable, ecologically sound system, with a high likelihood of long-term survival.

Proposed Policy 3.17, adds a new wetland protection criterion to the Plan addressing probability of achieving long-term protection. Together with proposed Protection criteria #3 and #4, which address interconnectedness with the stream system, this criterion directly expresses the value stated in Goal 3.7. The new criterion would add consideration of the feasibility of long-term protection to other considerations when determining whether to protect a site. This is consistent with the Plan Goal of protecting a wetland system with a "high likelihood of long-term survival".

Goal 4.5 Minimize reductions to the existing industrial and commercial buildable lands inventory as a result of wetland protection.

The criteria in proposed Policy 3.17 would help minimize reductions in buildable lands inventories by balancing environmental values of wetland sites with economic development values. This balancing will reduce the percentage of wetland sites that are designated for protection, which is consistent with Goal 4.5.

The West Eugene Wetlands Plan contains the following applicable Policies (related findings follow each policy):

Policy 3.8 "Establish, maintain and protect physical and hydrologic linkages between protected wetlands and adjacent transitional and upland wildlife habitat and natural areas."

Proposed Policy 3.17 includes changes to two of the criteria from the original plan which

address connectivity through the existing waterways. Proposed protection criteria 3 and 4 place a higher value on wetlands that are within 100 feet of protected waterways and on wetlands with direct surface water connections to protected wetlands. These criteria will lead to protection of many of the wetlands with these connections, helping to provide the linkages called for in Policy 3.8. Therefore the amendments are consistent with Policy 3.8.

Summary Conclusions: West Eugene Wetlands Plan Consistency

The above findings indicate that the proposed amendments are consistent with the applicable policies in the remainder of the WEWP. The proposed amendments meet the criterion of consistency with the remainder of the refinement plan.

Section 9.145 (2)(c) "The plan amendment is found to address one or more of the following:

1. An error in the publication of the plan;"

Findings: Not applicable.

Section 9.145 (2)(c) 2. "A change of circumstances in a substantial manner not anticipated in the plan;"

Findings: Proposed policy 3.17 is introduced as a clarification of existing policy in the Plan. Property owners, developers, and various agency staff have on numerous occasions commented on the lack of clarity in the existing plan regarding how the protection and development criteria are interpreted and applied and whether all wetlands on public land were intended to be protected. The lack of clarity in these policy areas was not anticipated at the time of Plan adoption. Proposed Policy 3.17 addresses lack of clarity expressed by the public following adoption of the Plan. Therefore it responds to a situation not anticipated during Plan adoption and is consistent with this criterion.

Section 9.145 (2)(c)3. "Incorporation into the plan of new inventory material which relates to a statewide goal; or"

Findings: Proposed Policy 3.17 includes changes to the criterion which addresses rare plants to respond to new information about rare plant distribution that was not available at the time of Plan adoption. Information gathered since adoption of the Plan shows that there are a number of small wetland sites, surrounded by development, with small rare plant populations which would be very difficult to protect due to their isolation from other habitat areas, small size, and surrounding uses. Due to their isolated nature these sites cannot be integrated or connected to the larger wetland system. When the Plan was adopted in 1992, it was thought that the rare plants existed only on the large, pristine wet prairie wetland sites such as the Willow Creek Preserve. Proposed Policy 3.17 would require consideration of plant species listed

in the Plan (taken from the Oregon Natural Heritage Program Lists 1 and 2) when evaluating new wetland sites for designation. This change is based upon the results of recent plant surveys, which have revealed the distribution of rare plant species on the adopted list. These rare plant surveys address Statewide Planning Goal 5, which includes ecologically and scientifically significant sites (such as rare plant habitat). Therefore, these amendments address new inventory information which addresses Statewide Goal 5, and are consistent with this criterion.

Section 9.145 (2)(c) 4. "A change in public policy."

Findings: Not applicable.

Summary Conclusions:

Each of the proposed amendments meet the criteria under Eugene Code sections 9.145(2)(a) and (2)(b) and one or more of the criteria for approval of a refinement plan amendment as set forth in Eugene Code section 9.145(2)(c).

Based upon the discussion, findings and conclusions herein (above) the proposed amendments are found to be consistent with the applicable criteria contained in Eugene Code Section 9.145.

C:\User\NEIL\WEWPAM\CBWPA Proposal Packet\CBCWPA Findings, Exhibit C.wpd—July 27, 1999

ORDINANCE NO. 20200

AN ORDINANCE AMENDING THE WEST EUGENE WETLANDS PLAN BY ADOPTING NEW OR REVISED WETLAND DESIGNATIONS FOR VARIOUS SITES WITHIN THE PLAN BOUNDARY AND RELATED POLICY AND TEXT AMENDMENTS; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

The City Council of the City of Eugene finds that:

A. On May 20, 1992, the Eugene City Council adopted Ordinance No.19853 adopting the West Eugene Wetlands Special Area Study, a refinement plan to the Eugene-Springfield Metropolitan Area General Plan, subsequently amended in part by Ordinance No. 19867 adopted by the City Council on August 10, 1992.

B. On March 6, 1995, the Eugene City Council adopted Ordinance No. 20002 amending the West Eugene Wetlands Special Area Study and changing the name to the West Eugene Wetlands Plan.

C. The City of Eugene has initiated additional amendments to the West Eugene Wetlands Plan to amend Plan policies and text, and to adopt wetland designations for certain properties located within the Plan boundary.

D. On March 19, 1996 the Eugene Planning Commission conducted a joint public hearing with the Lane County Planning Commission on draft amendments to the West Eugene Wetlands Plan.

E. On May 6, 1996 and on May 5 and May 12 and December 8, 1997, the Eugene Planning Commission voted to recommend approval of amendments to the West Eugene Wetlands Plan. On June 4, 1996 and on September 16 and December 16, 1997, the Lane County Planning Commission voted to recommend approval of these amendments to the West Eugene Wetlands Plan to the Lane County Board of Commissioners.

F. On February 18 and April 8, 1998, the Eugene City Council conducted a joint public hearing and a joint work session with the Board of County Commissioners of Lane County on amendments to the policy and text of the West Eugene Wetlands Plan.

G. On May 20, 1998 the Eugene City Council adopted Ordinance No. 20119 amending the West Eugene Wetlands Plan to establish new Planned Transportation Corridor and Utility Corridor wetland designations, and on February 22, 1999, adopted Ordinance No. 20147 adopting Planned Transportation Corridor wetland designations for City of Eugene properties located within

the West 18th and West 11th Avenue road improvement projects. On June 24, 1998 the Board of County Commissioners adopted Board Ordinance No. PA 1117 amending the West Eugene Wetlands Plan to establish new Planned Transportation Corridor and Utility Corridor wetland designations and, on April 21, 1999, adopted Board Ordinance No. PA 1129 adopting Planned Transportation Corridor wetland designations for City of Eugene properties located within the West 18th and West 11th Avenue road improvement projects.

H. On July 8, 1998 the City Council adopted Ordinance No. 20126 amending the West Eugene Wetlands Plan by adopting new or revised Plan policies and revising Plan text. On November 10, 1998, after deleting policies related to criteria for protection, development and restoration, the Board of County Commissioners adopted Board Ordinance No. PA 1106, which adopted the other policy and text amendments of Ordinance No. 20126. The Board of County Commissioners and the Eugene City Council established the Council/Board Committee on West Eugene Wetlands Policy Amendments to review alternatives and prepare a joint recommendation to the Board and the Council on amendments to the West Eugene Wetlands Plan criteria for protection, development and restoration.

I. On August 4, 1999, the Eugene City Council and Lane County Board of Commissioners held a joint public hearing on the proposed wetland designation criteria recommended by the Council/Board Committee. On October 11, 1999, the Eugene City Council adopted Ordinance No. 20171, amending Ordinance No. 20126 and adopting new and revised Plan policies related to the criteria for wetland designations. The Board of County Commissioners adopted Board Ordinance No. PA 1133 adopting the new and revised Plan policies on November 23, 1999.

J. On April 12, 2000, the Eugene City Council and Lane County Board of Commissioners held a joint public hearing on wetland site designation amendments, text and policy amendments related to specific sites, and a policy amendment related to wetland mitigation replacement ratios.

K. Evidence exists within the record that the proposal meets the requirements of Chapter 9 of the Eugene Code, 1971 and the requirements of applicable state and local law as described in the findings adopted in support of this Ordinance.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The West Eugene Wetlands Plan, as adopted by Ordinance No. 19853 and amended by Ordinance No. 19867, Ordinance No. 20002, Ordinance No. 20119, Ordinance No. 20126 (as amended by Ordinance No. 20171), Ordinance No. 20147 and Ordinance No. 20171, is further amended as set forth in attached Exhibit A incorporated by this reference as if fully set forth herein.

Section 2. The Eugene City Recorder, with the concurrence of the City Attorney and County Counsel, is authorized to administratively renumber any provisions of the West Eugene Wetland Plan (Plan) at the time the provisions adopted herein are incorporated into the Plan, and to correct any cross-references necessitated by the renumbering.

Section 3. Although not part of this Ordinance, the findings in attached Exhibits B and C are adopted in support of this Ordinance.

Section 4. Notwithstanding the provisions of the Eugene Charter of 1976, amendments to the West Eugene Wetlands Plan adopted by Exhibit A to this Ordinance shall not become effective until identical provisions are adopted by the Lane County Board of Commissioners.

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

Passed by the City Council this

26th day of July, 2000

City Recorder

Approved by the Mayor this

26th day of July, 2000

Mayor

Exhibit A
Multiple Site Ordinance

Wetland Designation Map Changes

Proposed Plan (map) designation changes are described below to supplement the maps (following page 8 of this exhibit) and to provide a cross-reference for the maps. If there are conflicts between the written descriptions and the attached maps, the maps prevail.

Proposed Wetland Designation Changes			
Item No.	**Site Name**	**Existing Designation**	**Proposed Designation**
1.	A1a	Development	Protection, except for Planned Transportation Corridor along Green Hill Road.
2.	A1b	Protection	No change*, except for Planned Transportation Corridor along Green Hill Road.
3.	A2a	Protection/Development	No change.
4.	A2b	Development	No change.
5.	A2d	Development	No Change.
5a.	A3a	Protection	Planned Transportation Corridor (PTC) and Utility Corridor along Green Hill Road.
6.	A4a	Protection, except for two portions designated Development along W. 11th (Hwy. 126) and Greenhill	For strip along Greenhill Road, change to Planned Transportation Corridor, for remainder of area along Greenhill Road designated for Development in plan, change to Protection, for area along W. 11th, change to Protection, change two southeast "arms" to Development, for area along proposed southern Parkway alignment designated Development, change to Protection. Designate Utility Corridor running east-west at north end of site.

Item No.	Site Name	Existing Designation	Proposed Designation
7.	A4d	Protection, except for Parkway alignment (Development)	Change area of proposed southern alignment of West Eugene Parkway to Protection.
8.	A4e	Protection, except for Parkway alignment (Development)	For area of proposed southern West Eugene Parkway alignment change to Protection, designate corridor along existing sanitary sewer line as Utility Corridor.
9.	A5	Protection, except for Parkway alignment (Development) and home site (undesignated)	Change undesignated area to Development, change former Parkway alignment from Development to Protection, change strip along Greenhill Rd. from Protection to Planned Transportation Corridor, change the western 175 feet of lot 1704310000101 to Development and the western (approximately) 75 feet to Restoration. Designate Utility Corridor running east-west at north end of site.
10.	AA	Undesignated	Development.
11.	AB	Undesignated	Development.
12.	B1	Protection	No change.*
13.	B2	Protection	No change.*
14.	B3	Restoration1	No change.*
15.	B4	Protection	No change.
16.	B5	Protection	No change.
17.	B6	Restoration	Change strip along Greenhill Road to Planned Transportation Corridor.

Item No.	Site Name	Existing Designation	Proposed Designation
18.	B7	Restoration/Protection	Change strip along Greenhill Road to Planned Transportation Corridor. No change to remainder of site.*
19.	B8	Restoration	Change strip along Greenhill Road to Planned Transportation Corridor.
20.	B10	Undesignated	Restoration.
21.	BA	Undesignated	Change strip along Green Hill Road to Planned Transportation Corridor, change remainder to Restoration.
22.	C2	Protection	Change area within W. 11th right-of-way to Planned Transportation Corridor. Change corridor along Amazon to Utility Corridor.
23.	C3a	Protection/Development	Change corridor along existing storm sewer line to Utility Corridor, and change corridor along existing sanitary sewer line to Utility Corridor. No change to remainder of site.*
23a.	C4	Protection	Change corridor along existing storm sewer line from Protection to Utility Corridor.
23b.	C5	Protection	Change corridors along existing storm sewer lines from Protection to Utility Corridor.
24.	C6a-b	Development/undesignated	Change whole site to Development.
25.	C6c-e	Undesignated, except for former site C6d (was designated Development in error) and C6e (Protection)	Change whole site to Protection, except change tax lot 400 on west end to Restoration and corridors along existing storm sewer lines to Utility Corridor.
26.	C6f	Undesignated/Development	Change whole site to Development.
27.	C6g	Undesignated/Development	Change whole site to Development. Has been partially filled.

Item No.	Site Name	Existing Designation	Proposed Designation
27a.	C8	Undesignated (new site)	Restoration.
28.	CA	Undesignated	Development.
29.	CB	Undesignated	Development.
30.	CC	Undesignated	Development.
31.	CE	Undesignated	Has been filled.
32.	DA	Undesignated, except for portion formerly mapped as part of B5 (Protection)	Change whole site to Development.
33.	DB	Protection of Danebo pond, undesignated in field to south	Leave Danebo pond designated Protection, designate wetlands south of pond for Development.
34.	DC	Undesignated, except for area previously mapped as D2a (Development)	Change whole site to Development.
35.	DD	Undesignated, except for area previously mapped as D2b (Development)	Change whole site to Development.
36.	DH	Undesignated	Development.
37.	E1a-b	Development	Change strip along Bertelsen Rd. to Planned Transportation Corridor, change remainder to Restoration.
38.	E2a	Protection/undesignated	Change strip along Bertelsen Rd. to Planned Transportation Corridor. Change corridor along existing sanitary sewer line to Utility Corridor. Change corridor along Stewart Road and corridor near 2nd and Wallis to Utility Corridor. For newly mapped undesignated wetlands near Wallis and 3rd, designate wetlands owned by BLM for Restoration, designate remainder for Development.
39.	E2b	Development, undesignated	Change whole site to Development.
39a.	E2e	Undesignated (new site)	Restoration.

Item No.	Site Name	Existing Designation	Proposed Designation
40.	EC	Undesignated	Development.
41.	EE	Undesignated	Change area within Bailey Hill Road and West 5th Ave. r-o-w from undesignated to Planned Transportation Corridor, change remainder to Protection.
42.	EF	Undesignated, except for area previously mapped as E3 (Development)	Change northern portion (owned by BLM) to Protection, except for small Utility Corridor areas at NW, NE and SE corners. Designate lots 1704341301800 and 1704341301900, and southern 96 feet of 1704341301400 for Development. The wetlands on 1704341302100 have been filled and developed.
42a.	EG	Undesignated (new site)	Development.
43.	GA	Undesignated	Development.
44.	GB	Undesignated	Development.
45.	GD	Undesignated	Development. Southern half of site has been filled.
46.	H1	Protection	Change strip along Gimpl Hill Rd. to Planned Transportation Corridor. Change north-south corridor at south end of property to Utility Corridor.
47a.	H2	Development/Restoration/undesignated	The Eugene Speedway property (1704334000300) is not included in this ordinance. Designate remainder of H2 site (1704334000400 and 1704334000600) for Development.

Item No.	Site Name	Existing Designation	Proposed Designation
48.	H3	Protection	Change eastern portion of northern arm of H3 to Development (error in earlier table, map was correct). Leave remainder of site as currently designated, except for Utility Corridor running north-south near east property line of 1704330001000.
49.	HC	Undesignated, except for area formerly mapped as part of H3 (Protection)	Change undesignated wet prairie area east of storage buildings and south of 13th to Protection (dividing line is diagonal from 13th r-o-w to buildings, see map), except for small Utility Corridor area along West 13th. Designate remainder for Development. Northern portion has been filled.
50.	HD	Undesignated	Development.
51.	HE	Undesignated	Change wetland on 180403004602 and 1804030002900 to Development, change strip along Bertelsen Road (north of 1804030002900) to Planned Transportation Corridor, designate areas mapped as NR on Metro Plan diagram Protection, change remainder of site to Restoration.
52.	HG	Undesignated	The Hyundai property is not included in this ordinance.
53.	HK	Undesignated	Development.
54.	I1	Development/undesignated	Change whole site to Development.
55.	IA	Undesignated	Protection.

Item No.	Site Name	Existing Designation	Proposed Designation
56.	IB	Undesignated	Designate east-west corridor along existing sanitary sewer line for Utility Corridor, designate remainder for Protection. Lot 201 no longer has jurisdictional wetlands per ODSL determination.
57.	IC	Undesignated	Development. Wetlands on lot 1804032301600 have been filled and developed.
58.	ID	Undesignated	Development.
59.	IE	Undesignated	Development.
60.	All	Update Map 3 as follows: a. Incorporate most recent approved wetland boundary information from Wetland Conservation Plan Inventory map b. Remove goldenrod shading ("upland mitigation areas" are incorporated into wetland concept map) c. Add two intermittent streams which flow into the west branch of Willow Creek to Map 3 as protected streams.	

[1] The term "restoration" is used here and throughout this document to mean the designation on Map #3 of the current Plan entitled "Wetlands to be enhanced for Mitigation Credit".

*The Eugene and Lane County Planning Commissions recommended that these sites be designated wholly or in part for Planned Transportation Corridor to accommodate the proposed northern alignment of the West Eugene Parkway (WEP). However, the amendments for the WEP will be processed at a later date, and are therefore not included in this ordinance.

Policy Amendment

79. Delete the existing Policy 4.17 and replace it with the following:

4.17 The City of Eugene shall calculate mitigation requirements for all wetland impacts within the West Eugene Wetlands Plan area using the applicable ratio from Table 1 below, subject to the provisions in A through D below. In no case shall a ratio of less than 1:1 be allowed.

A. For impact sites with recent disturbance, the City of Eugene shall determine mitigation ratios based upon an analysis of habitat type on the site as of April 2, 1999 as determined by aerial photo analysis. No reduction in ratios for fair to poor quality habitat shall be allowed for recently disturbed impact sites.

B. The City of Eugene shall calculate mitigation requirements for impact sites with more than one habitat type by multiplying the appropriate ratio by the number of acres impacted for each habitat type and summing the resulting acreage for each habitat type.

C. Ratios shown in Table 1 for wet prairie, shrub/scrub, forested and emergent wetlands are for impacts to good to excellent quality habitat. Impact sites that contain one or more plant species designated as rare in the West Eugene Wetlands Plan shall be considered good to excellent habitat. Impact sites containing these habitat types of fair to poor quality can be evaluated for lower replacement ratios only if the applicant submits field data according to the following provisions:

(1) Habitat quality shall be determined by the City of Eugene, based upon field conditions as represented in field data submitted by the applicant on forms provided by the City. Field data shall be collected between May 1 and July 30 by a qualified professional, shall include distribution data for all plant species present and shall include data from sampling points in the center of the wetland area.

(2) For sites containing wet prairie, shrub/scrub, forested and emergent wetlands of fair quality the ratio can be reduced by 0.25:1 and for sites containing these habitat types of poor quality the ratio can be reduced by 0.5:1.

D. The ratios for privately constructed mitigation (i.e., not purchased through a state/federal approved wetland mitigation bank) are based upon construction of the mitigation concurrent with the permitted filling of a wetland. If private mitigation is constructed prior to the wetland impact, the ratio can be reduced by 0.25:1.

Table 1
Mitigation Replacement Ratios
for Good to Excellent Quality Habitat
(mitigation acres : impact acres)

Wetland Habitat Type (impact site)	Private Mitigation			Mitigation[2] Bank
	Restoration[1]	Creation	Enhancement	
Wet Prairie	2:1	2.25:1	2.5:1	1.75:1
Other Wetland Types: shrub/scrub, emergent, forest	1.5:1	1.75:1	2:1	1.25:1
Disturbed Wetlands: Agricultural, crop land, pasture, old field, fill	1:1	1.25:1	1.5:1	1:1

Notes:

(1) Restoration is the preferred mitigation method for the West Eugene Wetlands program. To encourage restoration, it is given the lowest ratio of the three mitigation methods.

(2) This column shows the mitigation replacement ratios that will apply to those who are meeting their mitigation requirements through a public or private mitigation bank or mitigation bank program approved by the Oregon Division of State Lands and the U.S. Army Corps of Engineers (i.e., these ratios apply to "customers" of the "bank"). Participants in the mitigation bank pay a fee into the "bank" in lieu of constructing their own mitigation project. The mitigation replacement ratio determines how many acres of mitigation credit must be purchased for each acre of wetland impact. The ratio does not address how credits are produced by the bank. The ratios are lower than for private mitigation because state and federal approval of mitigation banks requires that the majority of mitigation projects be constructed prior to selling credits.

Text Amendments

34. Update Conceptual Plan Map (was Map 4)

45. In Appendix C, delete all but the section on Wetland Value Criteria and update that section as follows:

"Wetland Value Criteria

The following criteria shall be used to determine wetland value categories for applying setbacks, buffer requirements and other protection measures applied to wetlands designated for protection on Wetland Designations Map (Map 3).

High value wetland sites must meet at least five out of the following seven criteria:

a. site is relatively undisturbed
b. site contains rare plant species, *Deschampsia cespitosa*, or other unique and diverse plant communities
c. site is large or is contiguous with another wetland or waterway
d. site is actually or potentially part of a connected wetland system
e. site contains a locally significant or rare habitat type
f. site received a Wetland Evaluation Technique rating of 50 or greater
g. site received a Wildlife Habitat Assessment rating of 60 or greater

High value wetlands to be protected include: A4a, A4d, A4e, C2, C3a, E2a, ~~and~~ H1.

Moderate value wetland sites are all those sites that do not fit under the High Value or Low Value categories.

Moderate value wetlands to be protected include: A1a, A1b, A2a (portion), A2c, A2e, A3a, ~~A4d, A4f,~~ A5, B1, B2, B4, B5, B7 (portion), C4, C5, ~~C6c-e~~ ~~C6e~~, DB (portion) ~~D1~~, EE, EF (portion), E2c, E2d, E2e, HC (portion) ~~and~~, H3, HE (portion), IA, and IB.

~~Low value w~~Wetland sites with no buffer requirements include all ~~disturbed agricultural~~ wetland sites ~~as mapped in the West Eugene Wetlands Special Area Study Technical Report~~ designated for Restoration on Map 3 of the West Eugene Wetlands Plan.

~~Low value~~ These wetlands ~~to be protected~~ include: A3a (portion), A3b, ~~A3e~~, ~~A5,~~ BA, B3, ~~B4~~, B6, B7, B8, B9, B10, E1a-b, and H2.

46. Add to Appendix C a Wetland Types Map (Map 7).

Exhibit B

Findings of Consistency with Oregon Statewide Planning Goals

The Eugene-Springfield Metropolitan Area General Plan is a local comprehensive plan acknowledged by the state's Land Conservation and Development Commission, and the West Eugene Wetlands Plan is an adopted refinement plan to the Metro Plan. This document contains findings that address the consistency of the attached amendments to the West Eugene Wetlands Plan with applicable Oregon Statewide Planning Goals (City of Eugene File RA 96-001).

These amendments to the West Eugene Wetlands Plan will result in changes to existing locally adopted inventory information regarding three land use categories: natural resources, industrial and commercial lands, and residential lands. Accordingly, this analysis addresses Oregon Statewide Planning Goal 1 (Citizen Involvement), Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources), Goal 9 (Economic Development) and Goal 10 (Housing). Other Statewide Planning Goals are not specifically implicated by this ordinance. This document also contains analysis, findings and conclusions on the impacts of the amendments on the supply of industrial, commercial and residential lands in the Eugene-Springfield Metropolitan area. This analysis concludes that these refinement plan amendments are consistent with applicable Oregon Statewide Planning Goals.

Background

The amendments analyzed herein are changes to the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan. This map applies one or more of several defined wetland designations to each inventoried wetland in the study area. Each designation and its effect on buildable lands is explained in general terms below.

Protection: This designation is generally applied to wetlands of exceptional value, and, together with state and federal regulations, has the effect of preventing fill, disturbance or development within wetlands so designated. Where this designation is applied to wetlands that were previously considered buildable, it is treated as a subtraction from the buildable lands inventory. Where this designation is applied to wetlands that were previously designated for restoration it is ignored in this analysis.

Restoration: This designation is generally applied to lower quality wetlands whose value is determined primarily by their size, location and connectivity to other wetlands or waterways. These wetlands are very important to the functioning of the larger wetland and hydrologic system because of their place in the landscape and their potential to be rehabilitated into higher quality wetlands. Where this designation is applied to wetlands that were previously considered buildable, it is treated as a subtraction from the buildable lands inventory. Where this

designation is applied to wetlands that were previously designated for protection it is ignored in this analysis.

Development: This designation is generally applied to wetlands that are highly disturbed, and isolated and have services available for urban levels of development. Where this designation is applied to a site that was previously not designated, it is treated as having no impact on the buildable land inventory. Where this designation is applied to a site that was previously designated either for restoration or protection, it is treated as an addition to the buildable lands inventory.

Planned Transportation Corridor: This designation is applied to areas previously designated for restoration or protection to allow needed roadway improvements. Since the application of this designation occurs only in non-buildable areas (i.e., wetlands designated for protection or restoration) and it only allows road improvements, it does not affect the buildable land inventory.

Utility Corridor: This designation is applied to areas previously designated for restoration or protection to allow necessary maintenance and repairs to existing utilities. It also would allow construction of new underground facilities under certain circumstances. Like the Planned Transportation Corridor above, this designation does not affect buildable lands except where it is applied to new wetland sites. Only one new wetland site has a portion designated Utility Corridor, and this is reflected in the attached table.

Goal 1-Citizen Involvement

Statewide Goal 1 calls for local governments "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The planning and adoption process for these amendments has incorporated many opportunities for citizen involvement at all phases of the process as detailed below.

1. This process began with a wetland inventory project in 1993, for which all affected property owners were contacted to obtain permission for the study to be conducted on their property. Only properties where owners gave permission were included in an on-site study.

2. After the wetland inventory was completed, the results were presented at a public workshop held on December 11, 1993. All affected owners, and everyone on the West Eugene Wetlands Plan interested parties list (more than 800 people) were sent notices about the workshop.

3. After studying the new wetland inventory data and incorporating citizen comments from the 1993 Workshop, a second workshop was held to present to the public preliminary staff recommendations for amendments to the West Eugene Wetlands Plan. This workshop was held on June 28, 1994 and notices were sent

to all those that got the earlier notice plus any who requested to be on the mailing list.

4. A third public workshop was held on December 5, 1995 to present revised staff recommendations for amendments to the public. Again, notice was sent to all affected property owners and more than 900 interested parties. Citizen and agency comments from this workshop were incorporated into the staff recommendations forwarded to the Eugene and Lane County Planning Commissions.

5. On March 18, 1996, a public hearing was held before the Eugene and Lane County Planning Commissions regarding these amendments to the West Eugene Wetlands Plan. Notice was sent to all affected property owners, all owners and occupants within 400 feet of affected properties, affected neighborhood groups and more than 900 interested parties. Bright orange notices were posted next to each affected property regarding the hearing.

6. On December 17, 1997, a second public hearing was held before the Eugene Planning Commission and the Lane County Planning Commission regarding four specific plan amendments. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

7. On February 18, 1998 a public hearing was held before the Eugene City Council and the Lane County Board of Commissioners regarding amendments to the policies and text of the West Eugene Wetlands Plan. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

8. On April 12, 2000 a public hearing was held before the Eugene City Council and the Lane County Board of Commissioners regarding these amendments. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

We find that the opportunities for citizen involvement detailed above are beyond what is necessary to achieve consistency with Goal 1.

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

The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open spaces. In addition to the Goal, the Land Conservation and Development Commission has adopted an administrative rule to aid local government in achieving the requirements of the Goal. The original Goal 5 Rule, OAR 660, Division 16, was adopted in 1991; revisions to the Goal 5 Rule were adopted in 1996 as OAR 660, Division 23. The 1991 Goal 5 Rule continues to apply to post-acknowledgment plan amendments, such as the West Eugene Wetlands Plan amendments, initiated before September 1, 1996.

Goal 5 and the 1991 Goal 5 Rule focus on the process required to prepare a Goal 5 inventory and develop a program to achieve the goal on a site-specific basis, through preservation of a resource site; allowing conflicting uses and the loss of the resource; or mitigating negative impacts associated with the conflicting uses through partial protection.

Findings:

The West Eugene Wetlands Plan (WEWP) is an approved wetland conservation plan as defined in ORS 196.800(15). Approval for the existing plan as a Wetland Conservation Plan was granted by the Oregon Division of State Lands on September 13, 1994. ORS 196.684(8) specifies the relationship between Wetland Conservation Plan approval and compliance with Goal 5:

> "Wetland conservation plans approved by the Director of the Division of State Lands pursuant to ORS 196.668 to 196.692 shall be deemed to comply with the requirements of any statewide planning goals related to wetlands, other than estuarine wetlands, for those areas, uses and activities which are regulated by the plan." [See also, ORS 197.279]

Approval of the West Eugene Wetlands Plan by the Oregon Division of State Lands (DSL) as provided by law, satisfies all the requirements of any applicable statewide planning goal related to wetlands (including Goal 5) for those areas, uses and activities which are regulated by the plan.

The amendments clarify and further refine the WEWP. The findings of goal compliance made as part of initial adoption of the WEWP remain essentially unaffected by these amendments. Amendments to the West Eugene Wetlands Plan adopted in 1998 and 1999 to revise the wetland designation criteria and add new wetland designations for Planned Transportation Corridor and Utility Corridor have been acknowledged for compliance with Goal 5. The site designations in these amendments are consistent with those acknowledged criteria, as outlined in Exhibit C to this ordinance.

Plan policy and text changes do not significantly alter the function, design and structure of the WEWP. The fundamental program developed for Goal 5 compliance essentially remains unchanged. The policies and criteria of the WEWP operate as a tool to further Goal 5

compliance by assisting in determining the significance of wetland resources, the conflicts and the economic, social, environmental and energy values involved in protecting the resource. That analysis approaches the wetlands of West Eugene as part of an interconnected natural system rather than as separate, discrete sites. The focus remains inside the West Eugene Wetlands Special Study Area, keeping in mind that the larger system of which these wetlands are a part extends beyond this and other political boundaries.

As detailed in Exhibit C, the amendments are consistent with the applicable policies of the Metro Plan and the West Eugene Wetlands Plan. Those are the same policies previously acknowledged as being in compliance with statewide planning goals; and, in the case of the West Eugene Wetlands Plan policies, deemed to be in compliance with applicable statewide goals by DSL approval of the WEWP as a wetlands conservation plan. The inventory and significance determinations for individual sites meet the DSL requirements, and the plan amendments comply with ORS 196.681 to 196.684 and OAR 141-120. For those reasons, these amendments to the West Eugene Wetlands Plan comply with Statewide Planning Goal 5.

Methodology for Goal 9 and 10 Analyses

To address consistency with Statewide Planning Goals 9 and 10, the amendments were analyzed to document additions or reductions to the supply of industrial, commercial, and residential lands within the Metro area, due to these amendments to the Plan. This analysis is based on existing inventory, supply and demand data provided in three source documents: the Metropolitan Industrial Lands Special Study, the Eugene Commercial Lands Study, and the "Supply and Demand Analysis in Acres" table for residential lands contained in the Metropolitan Area General Plan. The analysis also relies on site information not included in these existing land use inventory studies.

The tables include areas that involve a change in designation from "protect" or "restore" status to development (an increase in supply), and areas that involve a change from "development" or "undesignated" status to "protection" or "restoration" (a decrease in supply). Designation changes that allow development, but do not affect the inventory of available land are also shown in the accompanying tables. The affected areas were identified, their square footage was calculated, and this was in turn translated into approximate acreage. In some cases, the acreage figures were estimated using manual calculation methods, while most often computer mapping analysis was used. This information has further been categorized by land use type and Metro Plan designation (see Tables 1-8 below). This information was used to summarize the potential impacts that these refinement plan amendments would have on the existing supply of commercial, industrial, and residential lands in the Metro area. Narrative summaries of the results of this analysis are included under each of the applicable Statewide Planning Goals below. Tables 1-8, which are attached following the end of this narrative, show the acreage figures for each site and category.

The following additional points will clarify the scope of this analysis:

1. All sites directly affected by these amendments are considered in the following analyses.

2. This analysis only considers impacts to the local inventory of buildable land resulting from these amendments to the West Eugene Wetlands Plan. It does not take into consideration changes resulting from other local plans, policies, or actions.

3. The Metropolitan Industrial Lands Inventory Report (July 1993) identifies a projected demand for industrial land in a range from 650 acres to 1,172 acres. This projected demand was not broken down into any sub-categories, such as size, type or location. As a result the analysis here does not address these sub-categories. The Eugene Commercial Lands Study identifies a projected demand for 523 acres of commercial land, including 109 acres of office commercial and 432 acres of non-office commercial land. There were no further break-downs of the demand into other sub-categories such as size or location, and consequently these sub-categories are not addressed here. The "Supply and Demand Analysis in Acres" table for residential lands contained in the Metropolitan Area General Plan separated out the aggregate demand for residential land into three sub-categories: low density, medium density and high density residential. No other sub-categories, such as size, or location were included in the analysis. Consequently the analysis herein only addresses these three categories.

4. The three source documents relied upon here for analysis of available buildable land include land inside the adopted urban growth boundary, which encompasses land both inside and outside the Eugene city limits. Urban services are available to all properties within the city limits, but are not immediately available to properties outside the city limits. These properties outside the city limits must annex to the City of Eugene in order to receive urban services. Consequently, if land outside the city limits is removed from the buildable lands inventory, it has a less immediate effect because these properties are not developable until they are annexed. One wetland site outside the city limits was removed from the buildable lands inventory (site BA, amendment #21) and it totals 2.13 acres.

5. All areas designated by these amendments for protection and restoration are vacant, undeveloped areas. Therefore, these amendments will not apply to existing development, and do not apply new land use restrictions to existing development. Some wetland site designations affect an undeveloped portion of a partially developed parcel. Of thirteen such sites, ten are designated at least in part for Development. The partially developed lots are shown in the table below:

Site Name	Map Number	Lot Number	New Designation	Acreage
A4a	17-04-32-00	200	Development	0.3
A4a	17-04-32-00	602	Protection	0.14
BA	17-04-20-00	2200	Restoration	2.13
CA	17-04-28-42	700	Development	0.76
CB	17-04-28-43	2600	Development	0.73
DA	17-04-28-00	400	Development	23.35
EC	17-04-26-23	100	Development	0.83
GA	17-04-35-20	2300	Development	0.43
GB	17-04-35-20	1800	Development	0.28
GB	17-04-35-20	1900	Development	1.45
GD	17-04-35-23	2800	Development	0.96
HE	18-04-03-23	2900	Development	2.56
IA	17-04-35-42	900	Protection	1.69
IA	17-04-35-42	901	Protection	2.33
IB	17-04-36-33	200	Protection	1.22
IE	17-04-35-33	4600	Development	0.33

Two of the four partially-developed sites (A4a, IA) where wetlands are being protected were undeveloped when the original recommendations for amendments to the West Eugene Wetlands Plan for these sites were being developed. The third site (Site BA) is approximately 2/3 mile beyond the city limits and does not have full urban services. The fourth site (Site IB) is in the process of being acquired by the City of Eugene and the Bureau of Land Management.

6. The accompanying tables do not include those parcels where a change in designation was proposed from one non-developable category to another (e.g., from "protect" to "restore," or from "restore" to "Planned Transportation Corridor").

7. Two additional wetland sites are proposed to be designated in separate ordinances (Sites H2 and HG). Since designations for wetlands on these two sites have not been adopted yet, no exact calculation of their impact to the buildable lands

inventory can be given in this document. In order to assess the cumulative impact to the buildable lands inventory of all the amendments, including those in this ordinance along with those on sites H2 and HG, this analysis assumes that none of the wetlands being designated on Sites H2 and HG would be available for development. For the Site HG (Hyundai), this amounts to 54.6 acres of wetland designated for campus industrial (special light industrial) use. On Site H2, most of the wetlands are already designated in the West Eugene Wetlands Plan. For the purposes of this analysis, only those wetlands proposed to be designated or re-designated are included (as opposed to the entire site). This amounts to 7.7 acres of wetland designated for medium density residential, 14.3 acres of wetland designated for high density residential, 19.1 acres of wetland designated for light medium industrial, and 4.8 acres of wetland designated for commercial. Assuming that all of the wetlands on these sites are unavailable for development, allows this analysis to conclude, no matter how much of those two sites is designated for protection or restoration, whether sufficient land remains in the buildable lands inventory.

Goal 9 - Economic Development

The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, wealth, and prosperity of Oregon's citizens.

Findings:

Industrial Lands:

The Metropolitan Industrial Lands Special Study, including both the Inventory Report and the Policy Report, describes the long-term supply and demand for industrial lands metro-wide. In 1992, these documents were approved by the Eugene City Council, the Springfield City Council and the Lane County Board of Commissioners. According to the data and findings contained in these reports (as of January 1, 1989), there were approximately 3,600 acres of buildable industrial land in the Metro area.[1] This figure is broken down into separate industrial land use categories in the "Buildable Acres" table below. The twenty-year demand projection for buildable industrial land was between 650 and 1,172 acres.[2]

Wetland designation changes to protection or restoration included in this ordinance would decrease the available inventory of industrial land by 57.8 acres (see Table 2 below). Wetland designation changes from protection or restoration to development would make available 2.2 acres of inventoried industrial land that were formerly unavailable for development (see Table 1).

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1 Metropolitan Industrial Lands Inventory Report, Lane Council of Governments, 125 East 8th Avenue, Eugene, Oregon, 97401, July 1993, p.73.

2 Ibid., p.73.

The net change based on these calculations would be an overall decrease of buildable industrial land by 54.8 acres. This represents a reduction in the overall supply of industrial land of 1.5%, leaving 3,549.5 acres of industrial land unaffected by these refinement plan amendments. This represents a supply that is 2,377.5 acres more than the maximum projected twenty-year demand for 1,172 acres. Although the industrial land inventory is broken down into different types of industrial land, the demand projection analysis does not break down industrial land into smaller categories.

	Buildable Acres[3]--Industrial Land						
	Heavy Industrial	**Special Heavy Indus-trial**	**Light Medium Indus-trial**	**Special Light Industrial**	**Mixed/ University**	**Non-Industrial**	**Total (all cate-gories)**
Eugene UGB	254.18	500.41	1,230.78	734.52	43.12	132.48	2,895.49
Springfield UGB	198.34	0.00	198.77	255.17	4.22	52.29	708.80
Metro UGB Total	452.52	500.41	1,429.55	989.69	47.34	184.77	3,604.29
	Impacts to Industrial Lands Inventory from WEWP Amendments[4]						
Net Impact of Amdmts. (acres)	0.0	0.0	-44.2	-10.6	0.0	0.0	-54.8
Percentage Impact	0.0%	0.0%	-3.1%	-1.1%	0.0%	0.0%	-1.5%
Inventory Remaining (acres)	452.5	500.4	1,385.4	979.1	47.3	184.8	3,549.5

Within the light-medium industrial category, 24.3 acres of the land removed from the buildable lands inventory is owned by the Oregon Department of Transportation and is being operated as a wetland mitigation site. An additional 19.3 acres of Light Medium Industrial land are owned by

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3 Metropolitan Industrial Lands Inventory Report, Lane Council of Governments, 125 East 8th Avenue, Eugene, Oregon, 97401, July 1993, p. 47

4 See Table 2 of this document.

state and local agencies who manage these lands for conservation of wetlands. So while these acres are included in the analysis above, the land was not truly available for industrial development before these amendments were proposed. The net impact to privately owned, Light Medium Industrial land, then, is a decrease of 11.5 acres.

One wetland site outside the city limits was removed from the buildable lands inventory (site BA, amendment #21) and it totals 2.13 acres. This site is designated for light medium industrial use. It does not currently have urban services. Most of the reductions to the buildable lands inventory occur within the city limits where services are available. However, within the city limits, 55 acres of wetlands with high development value and low wetland value are designated for development, in part to recognize the available services there. No industrial land outside city limits was designated for development in these amendments.

These reductions to the buildable lands inventory affect a proportionately small area in comparison to the total supply of available industrial land. The amendments to the West Eugene Wetlands Plan leave adequate industrial land within the Eugene-Springfield metropolitan area within the 20-year planning period. Therefore, these amendments are consistent with Goal 9 with respect to industrial land.

If all of the developable industrial land on the HG and H2 sites were designated for Protection or Restoration (see assumptions above), this would remove an additional 73.7 acres from the industrial buildable lands inventory. Together with the reductions from amendments included in this ordinance, these designations would bring the total reduction in buildable industrial land from all three ordinances to 131.8 acres. This would leave 3,417.4 acres of buildable industrial land available, which represents a supply that is 2,245 acres more than the maximum projected twenty-year demand for 1,172 acres of industrial land. Therefore, no matter how much wetland on the HG and H2 sites is designated for Protection or Restoration, after all of the amendments are adopted, there will be sufficient buildable industrial land remaining to meet the projected 20-year demand.

Commercial Lands

The Eugene Commercial Lands Study (1992), provides an analysis of the supply and demand for commercial land within Eugene. The study was prepared by the Eugene Planning Commission, and it serves as a refinement to the Metropolitan Area General Plan. According to the findings contained in this study, the total supply of commercial land was 702 acres (adjusted total supply).[5] The projected twenty-year demand for vacant commercial land (within the Eugene portion of the Urban Growth Boundary only) was 532 acres, including 109 acres of developable office land and 423 acres of non-office commercial.[6] For the purposes of this analysis,

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5 Eugene Commercial Lands Study, Eugene Planning and Development Department, 777 Pearl Street, Room 106, Eugene, Oregon, 1992, p. II-15.

6 Ibid., p.II-15.

developable office is land designated in the Metropolitan Area General Plan for commercial use, which is zoned GO General Office. No land zoned General Office was affected by the amendments. Therefore, there is no impact to the supply of office commercial land as a result of these amendments.

Wetland designation changes to protection or restoration resulting from this ordinance would, in effect, decrease the inventory of commercial land by 5.3 acres (see Table 3). This represents a reduction in the overall supply of commercial lands of less than 1%, leaving about 697 acres of inventoried commercial land. This is 165 acres more than the projected twenty-year demand.

Since no office commercial lands were impacted, it must be assumed that all impacts are to the non-office commercial category. The projected demand for this category is 423 acres. According to the Commercial Lands Study, the inventory of buildable commercial land includes 465 acres of land designated in the Metro Plan for commercial use, but not zoned for office use. An additional 197 acres is included in the inventory that is not categorized between office and non-office use, though a percentage of it can be assumed available for non-office commercial. Using only the 465 acres explicitly denoted in the Commercial Lands Study, after subtracting the 5.3 acres removed by protection of wetlands in these amendments, 460 acres are left, which is 37 acres more than the projected demand for this category.

Given a supply of commercial land greater than the projected demand for all commercial and non-office commercial after the reductions associated with these amendments to the West Eugene Wetlands Plan, the amendments leave an adequate supply of commercial land within the Urban Growth Boundary for the 20-year planning period. Therefore, the amendments are consistent with Goal 9 with respect to commercial land.

If all of the developable commercial land on the HG and H2 sites were designated for Protection or Restoration (see assumptions above), this would remove an additional 5 acres from the commercial buildable lands inventory. Together with the reductions from amendments included in this ordinance, these designations would bring the total reduction in buildable commercial land from all three ordinances to 10 acres. This would leave 692 acres of buildable commercial land, which represents a supply that is 160 acres more than the maximum projected twenty-year demand for 523 acres of commercial land. Therefore, no matter how much wetland on the HG and H2 sites is designated for Protection or Restoration, after all of the amendments are adopted, there will be sufficient buildable commercial land remaining to meet the projected 20-year demand.

Goal 10 - Housing

The purpose of Goal 10 is to provide for housing needs of the citizens of the state.

Findings:

The Metropolitan Area General Plan, as amended by Ordinance No. 20159 on July 12, 1999, includes a summary analysis of the supply and demand for residential lands within the Eugene-Springfield Urban Growth Boundary. According to the summary table ("Supply and Demand Analysis in Acres"), there were 5,802 acres of vacant, buildable residential land in the Metro area in 1999. The twenty-year demand projection for vacant, buildable residential land was between 3,968 and 5,040 acres.

Wetland designation changes to protection or restoration as a part of these amendments would, in effect, decrease the available inventory of residential land by 31.1 acres (see Tables 7 and 8). This represents a reduction in the overall supply of inventoried residential lands by 0.5%, leaving 5,771 acres of inventoried residential land. This represents a supply of 731 acres beyond the maximum projected twenty-year demand for 5,040 acres. Given the remaining supply of available residential land, and given the minor impact associated with these amendments to the overall supply, these amendments are consistent with Statewide Planning Goal 10.

Of the wetlands on residential lands that are designated for Protection or Restoration, 22 acres are in public ownership, and are being managed for wetland conservation. Even though these acres are included in Tables 7 and 8, they were previously removed from the supply of buildable lands by public acquisition. Another 4.5 acres of residential land designated for protection are currently in the process of being acquired by the City of Eugene and the Bureau of Land Management (Site IB).

	Residential Lands Buildable Acreage			
	Low Density	Medium Density	High Density	Total
Metro UGB Total	4,780	828	195	5,802
	Impacts to Residential Lands Inventory from WEWP Amendments			
Net Impact of Amendments	-22.8	-8.3	0.0	-31.1
Percentage Impact	0.5%	1.0%	0.0%	0.5%
Inventory Remaining	4,757.2	819.7	195.0	5,770.9

If all of the developable residential land on the HG and H2 sites were designated for Protection or Restoration (see assumptions above), this would remove an additional 22 acres from the residential buildable lands inventory. Together with the reductions from amendments included in

this ordinance, these designations would bring the total reduction in buildable residential land from all three ordinances to 53.1 acres. This would leave 5,717.9 acres of buildable residential land, which represents a supply that is 678 acres more than the maximum projected twenty-year demand for 5,040 acres of residential land. Therefore, no matter how much wetland on the HG and H2 sites is designated for Protection or Restoration, after all of the amendments are adopted, there will be sufficient buildable residential land remaining to meet the projected 20-year demand.

Conclusions

The above findings show that these amendments to the West Eugene Wetlands Plan are consistent with Oregon Statewide Planning Goals 1, 5, 9 and 10. This conclusion is based on: 1) the relatively minor impact (through restrictions of land use) that wetland designation changes will have on the overall supply of industrial, commercial and residential land, 2) the fact that these minor impacts will not prohibit or significantly interfere with meeting the projected twenty-year buildable land demands as it is indicated in each of the inventory reports noted above, 3) the abundant opportunities provided for citizen involvement throughout the planning process and 4) approval of these amendments by the Oregon Division of State Lands as amendments to the West Eugene Wetland Conservation Plan. No further analysis of Statewide Planning Goals is necessary for these amendments to the West Eugene Wetlands Plan (RA 96-1).

Exhibit B, Buildable Lands Analysis Tables

Table 1: Affected Industrial Lots with Buildable Acreage Increases

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total	
17042800	400	DA	32	Light Medium Industrial	Protection	2.22						2.22	2.22 Subtotal for LMI
17043200	600	A4a		Campus Industrial	Protect	0.44						0.44	
17043200	200	A4a		Campus Industrial	Protect	0.32						0.32	0.76 Subtotal for CI
						2.98	0.00	0.00	0.00	0.00	0.00	2.98	

Table 2: Affected Industrial Lots with Buildable Acreage Decreases

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total	
17042900	2802	A4a		Campus Industrial	Develop			0.94				0.94	
17042900	3001	A4a		Campus Industrial	Develop			0.38				0.38	
17043200	600	A4a		Campus Industrial	Develop			4.10		0.03		4.13	
17042900	3001	A4d		Campus Industrial	Develop			1.29				1.29	
17042900	602	A4e		Campus Industrial	Develop			2.65				2.65	
17042900	3001	A4e		Campus Industrial	Develop			1.94				1.94	
17042800	500	C3a		Campus Industrial	Develop				0.03			0.03	
17043320	3400	C3a		Campus Industrial	Develop				0.08			0.08	11.44 Subtotal for CI
17042900	602	A4e	8	Light Medium Industrial	Development			0.01				0.01	
17042000	2100	BA	21	Light Medium Industrial	Undesignated		0.00					0.00	
17042000	2200	BA	21	Light Medium Industrial	Undesignated		2.08			0.01		2.10	
17043320	3400	C3a	23	Light Medium Industrial	Development				0.00			0.00	
17043310	600	C6c-e	25	Light Medium Industrial	Development			0.22				0.22	
17043310	1100	C6c-e	25	Light Medium Industrial	Development			0.02				0.02	
17043310	400	C6c-e	25	Light Medium Industrial	Undesignated		0.74	0.00				0.74	
17043310	500	C6c-e	25	Light Medium Industrial	Undesignated		0.00	0.62	0.01			0.63	
17043310	600	C6c-e	25	Light Medium Industrial	Undesignated			0.06				0.06	
17043310	700	C6c-e	25	Light Medium Industrial	Undesignated			0.41				0.41	
17043310	800	C6c-e	25	Light Medium Industrial	Undesignated			0.59				0.59	
17043310	900	C6c-e	25	Light Medium Industrial	Undesignated			0.33				0.33	
17043310	1000	C6c-e	25	Light Medium Industrial	Undesignated			0.45				0.45	
17043310	1100	C6c-e	25	Light Medium Industrial	Undesignated			0.25	0.00			0.25	
17043310	1200	C6c-e	25	Light Medium Industrial	Undesignated			0.18	0.00			0.18	
17043310	1300	C6c-e	25	Light Medium Industrial	Undesignated			0.02				0.02	
17043423	500	C6c-e	25	Light Medium Industrial	Undesignated			0.24	0.03			0.26	
17043400	200	E1a	37	Light Medium Industrial	Development		6.59					6.59	
17043400	203	E1a	37	Light Medium Industrial	Development		0.35			0.06		0.41	
17043400	204	E1a	37	Light Medium Industrial	Development		17.34			0.46		17.79	
17043400	3200	E1a	37	Light Medium Industrial	Development		0.01					0.01	

Exhibit B, Buildable Lands Analysis Tables

Table 2, continued

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total	
17043520	2900	E2e	39.1	Light Medium Industrial	Undesignated		5.47					5.47	
17043400	2901	EE	41	Light Medium Industrial	Undesignated					0.02		0.02	
17043400	2902	EE	41	Light Medium Industrial	Undesignated			6.67		0.06		6.73	
17043400	3001	EE	41	Light Medium Industrial	Undesignated			0.00		0.00		0.01	
17043400	5200	EE	41	Light Medium Industrial	Undesignated			0.02				0.02	
17043413	500	EF	42	Light Medium Industrial	Development			0.02				0.02	
17043413	600	EF	42	Light Medium Industrial	Development			0.02				0.02	
17043413	1400	EF	42	Light Medium Industrial	Development			1.95	0.04			1.99	
17043413	1400	EF	42	Light Medium Industrial	Undesignated			1.04	0.01			1.04	
17043424	202	EF	42	Light Medium Industrial	Undesignated			0.07	0.00			0.07	
17043300	1000	HC	49	Light Medium Industrial	Undesignated			0.00	0.00			0.00	
17043430	3500	HC	49	Light Medium Industrial	Undesignated			0.00				0.00	
17043430	3600	HC	49	Light Medium Industrial	Undesignated			0.00				0.00	46.46 Subtotal for LMI
						0.00	32.57	24.48	0.21	0.64	0.00	57.90	

Table 3: Affected Industrial Lots with No Change in Buildable Area

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total	
17042900	2600	AB		Campus Industrial	Undesignated	0.10						0.10	
17042900	2801	AB		Campus Industrial	Undesignated	0.08						0.08	
17042900	2802	AB		Campus Industrial	Undesignated	0.01						0.01	0.18 Subtotal for CI
17042842	700	CA	28	Heavy Industrial	Undesignated	0.00					0.00	0.00	
17042730	2101	CC	30	Heavy Industrial	Undesignated	0.39					0.00	0.39	
17042730	2104	CC	30	Heavy Industrial	Undesignated	0.16					0.00	0.16	
17042730	2105	CC	30	Heavy Industrial	Undesignated	0.23					0.00	0.23	
17042733	1200	CC	30	Heavy Industrial	Undesignated	0.03					0.00	0.03	
17042800	400	DA	32	Heavy Industrial	Undesignated	6.88					0.00	6.88	
17042810	400	DB	33	Heavy Industrial	Undesignated	0.01						0.01	
17042842	200	DB	33	Heavy Industrial	Undesignated	0.02						0.02	
17042842	300	DB	33	Heavy Industrial	Undesignated	5.70						5.70	
17042842	400	DB	33	Heavy Industrial	Undesignated	0.28						0.28	
17042842	600	DB	33	Heavy Industrial	Undesignated	0.25						0.25	
17042730	1500	DC	34	Heavy Industrial	Undesignated	4.96						4.96	
17042730	1600	DC	34	Heavy Industrial	Undesignated	1.38						1.38	
17042730	1901	DC	34	Heavy Industrial	Undesignated	1.49						1.49	
17042730	1500	DD	35	Heavy Industrial	Undesignated	0.00					0.00	0.00	
17042814	5300	DD	35	Heavy Industrial	Undesignated	0.04					0.00	0.04	
17042700	100	EC	40	Heavy Industrial	Undesignated	0.83					0.00	0.83	22.62 Subtotal for HI
17043310	100	C6a-b	24	Light Medium Industrial	Undesignated	0.09					0.00	0.09	
17043310	101	C6a-b	24	Light Medium Industrial	Undesignated	0.91					0.00	0.91	
17043423	500	C6f	26	Light Medium Industrial	Undesignated	0.05					0.00	0.05	
17043423	600	C6f	26	Light Medium Industrial	Undesignated	0.12					0.00	0.12	
17043423	700	C6f	26	Light Medium Industrial	Undesignated	0.22					0.00	0.22	

Exhibit B, Buildable Lands Analysis Tables

Table 3, continued

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total
17043423	800	C6f	26	Light Medium Industrial	Undesignated	0.67					0.00	0.67
17043423	1000	C6f	26	Light Medium Industrial	Undesignated	0.27					0.00	0.27
17043423	1300	C6g	27	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17043423	1400	C6g	27	Light Medium Industrial	Undesignated	0.44					0.00	0.44
17043423	1500	C6g	27	Light Medium Industrial	Undesignated	0.00					0.07	0.07
17043423	1600	C6g	27	Light Medium Industrial	Undesignated	0.00					0.31	0.31
17043423	1700	C6g	27	Light Medium Industrial	Undesignated	0.02					0.28	0.30
17042842	700	CA	28	Light Medium Industrial	Undesignated	0.76					0.00	0.76
17043310	2200	CA	28	Light Medium Industrial	Undesignated	0.29					0.00	0.29
17042843	2500	CB	29	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17042843	2600	CB	29	Light Medium Industrial	Undesignated	0.73					0.00	0.73
17042843	2700	CB	29	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17043310	4100	CB	29	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17042800	400	DA	32	Light Medium Industrial	Undesignated	8.90					0.00	8.90
17042842	600	DB	33	Light Medium Industrial	Undesignated	0.21					0.00	0.21
17042814	5300	DD	35	Light Medium Industrial	Undesignated	5.07					0.00	5.07
17042723	1100	DH	36	Light Medium Industrial	Undesignated	2.29					0.00	2.29
17042743	1200	E2a	38	Light Medium Industrial	Undesignated	0.24					0.00	0.24
17042743	3100	E2a	38	Light Medium Industrial	Undesignated	0.24					0.00	0.24
17043400	3102	E2a	38	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17042700	404	E2b	39	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17042743	900	E2b	39	Light Medium Industrial	Undesignated	0.16					0.00	0.16
17042743	3100	E2b	39	Light Medium Industrial	Undesignated	0.53					0.00	0.53
17043413	500	EF	42	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17043413	1400	EF	42	Light Medium Industrial	Undesignated	0.13					0.00	0.13
17043413	1800	EF	42	Light Medium Industrial	Undesignated	0.04					0.00	0.04
17043413	1900	EF	42	Light Medium Industrial	Undesignated	0.02					0.00	0.02
17043413	2100	EF	42	Light Medium Industrial	Undesignated	0.00					0.32	0.32
17043424	202	EF	42	Light Medium Industrial	Undesignated	0.02					0.00	0.02
17043424	203	EF	42	Light Medium Industrial	Undesignated	0.00					0.04	0.04
17042730	2310	EG	42.1	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17042730	2311	EG	42.1	Light Medium Industrial	Undesignated	0.17					0.00	0.17
17042730	2312	EG	42.1	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17043520	2200	GA	43	Light Medium Industrial	Undesignated	0.08					0.00	0.08
17043520	2300	GA	43	Light Medium Industrial	Undesignated	0.43					0.00	0.43
17043513	1900	GD	45	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17043513	2300	GD	45	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17043513	2800	GD	45	Light Medium Industrial	Undesignated	0.96					0.00	0.96
17043513	2900	GD	45	Light Medium Industrial	Undesignated	0.00					1.01	1.01
17043430	1601	HD	50	Light Medium Industrial	Undesignated	0.04					0.00	0.04
17043430	1701	HD	50	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17043430	2400	HD	50	Light Medium Industrial	Undesignated	0.50					0.00	0.50
17043430	2500	HD	50	Light Medium Industrial	Undesignated	0.00					0.00	0.00
17043430	2700	HD	50	Light Medium Industrial	Undesignated	1.27					0.00	1.27
17043430	2800	HD	50	Light Medium Industrial	Undesignated	0.47					0.00	0.47
17043430	2900	HD	50	Light Medium Industrial	Undesignated	0.32					0.00	0.32

Exhibit B, Buildable Lands Analysis Tables

Table 3, continued

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total	
17043430	3000	HD	50	Light Medium Industrial	Undesignated	0.52					0.00	0.52	
17043430	901	I1	54	Light Medium Industrial	Undesignated	0.01					0.00	0.01	
17043430	902	I1	54	Light Medium Industrial	Undesignated	0.00					0.00	0.00	
17043430	1100	I1	54	Light Medium Industrial	Undesignated	2.35					0.00	2.35	
17043430	1200	I1	54	Light Medium Industrial	Undesignated	0.00					0.00	0.00	31.54 Subtotal for LMI
						52.31	0.00	0.00	0.00	0.00	2.03	54.34	

Table 4: Affected Commerical Lots with Buildable Acreage Increases

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total
17043300	800	H3	48	Commercial	Protect	0.72						0.72
17043341	1600	H3	48	Commercial	Protect	0.10						0.10
						0.82	0.00	0.00	0.00	0.00	0.00	0.82

Table 5: Affected Commerical Lots with Decreases in Buildable Acreage

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total
17043430	3400	HC	49	Commercial	Undesignated		0.00	0.00	0.00	0.00		0.00
17043430	3500	HC	49	Commercial	Undesignated		0.00	0.00	0.00	0.00		0.00
17043200	602	A4a	6	Commercial	Develop		0.00	0.14	0.00	0.00		0.14
17043200	600	A4a	6	Commercial	Develop		0.00	0.69	0.00	0.00		0.69
17043300	1000	HC	49	Commercial	Undesignated		0.00	2.62	0.11	0.00		2.73
17043310	2200	C8	27.1	Commercial	Undesignated		0.01	0.00	0.00	0.00		0.01
17043310	2301	C8	27.1	Commercial	Undesignated		0.52	0.00	0.00	0.00		0.52
17043310	2302	C8	27.1	Commercial	Undesignated		0.84	0.00	0.00	0.00		0.84
17043310	2303	C8	27.1	Commercial	Undesignated		1.12	0.00	0.00	0.00		1.12
						0.00	2.50	3.44	0.11	0.00	0.00	6.05

Exhibit B, Buildable Lands Analysis Tables

Table 6: Affected Commerical Lots with No Changes in Buildable Acreage

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total
17043300	800	HC	49	Commercial	Undesignated	0.01						0.01
17043300	1000	HC	49	Commercial	Undesignated	1.21						1.21
17043520	1900	GB	44	Commercial	Undesignated	1.73						1.73
						2.95	0.00	0.00	0.00	0.00	0.00	2.95

Table 7: Affected Residential Lots with Decreases in Buildable Acreage (There are no increases to residential buildable acreage)

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total	
17042000	2000	B8	19	Low Density Residential	Undesignated					0.00		0.00	
17042000	2100	B8	19	Low Density Residential	Undesignated					0.00		0.00	
18040300	4600	HE	51	Low Density Residential	Undesignated		9.96	0.00				9.96	
18040300	4606	HE	51	Low Density Residential	Undesignated		1.56					1.56	
18040300	4608	HE	51	Low Density Residential	Undesignated		0.00					0.00	
18040322	3100	HE	51	Low Density Residential	Undesignated		0.01					0.01	
18040323	2700	HE	51	Low Density Residential	Undesignated		0.23			0.08		0.31	
18040323	2800	HE	51	Low Density Residential	Undesignated		10.39	0.00		0.19		10.57	
18040323	2900	HE	51	Low Density Residential	Undesignated		0.00					0.00	
18040400	900	HE	51	Low Density Residential	Undesignated			0.00				0.00	
18040400	901	HE	51	Low Density Residential	Undesignated			0.00				0.00	
17043531	1600	IA	55	Low Density Residential	Undesignated			0.07				0.07	
17043531	1700	IA	55	Low Density Residential	Undesignated			0.01				0.01	
17043531	2000	IA	55	Low Density Residential	Undesignated			0.00				0.00	
17043531	2100	IA	55	Low Density Residential	Undesignated			0.00				0.00	
17043531	2200	IA	55	Low Density Residential	Undesignated			0.00				0.00	
17043531	2300	IA	55	Low Density Residential	Undesignated			0.00				0.00	
17043542	900	IA	55	Low Density Residential	Undesignated			0.18				0.18	
17043542	901	IA	55	Low Density Residential	Undesignated			0.11				0.11	22.79 Subtotal for LDR
17043542	900	IA	55	Medium Density Residential	Undesignated			1.51				1.51	
17043542	901	IA	55	Medium Density Residential	Undesignated			2.21				2.21	
17043632	5900	IB	56	Medium Density Residential	Undesignated			0.26				0.26	
17043633	200	IB	56	Medium Density Residential	Undesignated			1.00				1.00	
17043633	202	IB	56	Medium Density Residential	Undesignated			2.96	0.13			3.09	
17043633	203	IB	56	Medium Density Residential	Undesignated			0.19				0.19	8.26 Subtotal for MDR
						0.00	22.15	8.51	0.13	0.27	0.00	31.05	

Exhibit B, Buildable Lands Analysis Tables

Table 8: Affected Residential Lots with No Changes in Buildable Acreage

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total
17042842	300	DB	33	Low Density Residential	Undesignated	0.02						0.02
18040323	800	IC	57	Low Density Residential	Undesignated						0.01	0.01
18040323	1500	IC	57	Low Density Residential	Undesignated						0.03	0.03
18040323	1600	IC	57	Low Density Residential	Undesignated						0.91	0.91
					Totals	0.02	0.00	0.00	0.00	0.00	0.95	0.97

Exhibit C

Findings of Consistency with Eugene Code, Metro Plan and West Eugene Wetlands Policies

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I. General Findings For All Sites In This Ordinance

These findings apply to all of the amendments in the accompanying ordinance. Additional findings on specific site amendments are included under Sections II and III of this document. In the analysis below, the sites are first analyzed against West Eugene Wetlands Plan (WEWP) criteria wetlands designation. These criteria were adopted by the Eugene City Council on October 11, 1999 and by the Lane County Board of Commissioners on November 23, 1999. These criteria for designation of wetlands were analyzed for consistency with all applicable policies from the Metropolitan Area General Plan as well as the remaining policies of the WEWP at the time of adoption. Therefore, site designations that are consistent with these criteria are considered consistent with the Metro Plan and WEWP policies as well. Even though demonstration of consistency with the WEWP criteria would be sufficient to establish consistency with the Metro Plan and remaining WEWP policies, this document also includes a general analysis of the sites against the Metro Plan and remaining WEWP policies themselves.

With the exception of site HG (Hyundai) and a portion of site H2 (the Eugene Speedway property), summary tables for all sites for which amendments are proposed are included in Exhibit C, showing how each site meets the standards and criteria for Protection, Development and Restoration. Sites HG and H2 are addressed in separate ordinances. They are referred to in this discussion only generally and only where necessary to describe or quantify the cumulative impacts of all of the proposed amendments. Since the site specific amendments for the Hyundai and Speedway sites have not been adopted, the distribution of wetland acres among the wetland designation categories is not known. The amendment for the remaining (i.e., not part of the Speedway property) portion of site H2 has been re-numbered as Amendment 47a, and it is included in this ordinance.

This ordinance includes three new sites (C8, E2e and EG) that were not included in the previous recommendations from the Eugene and Lane County Planning Commissions. These sites were either mapped or restored to wetland after the Planning Commission review was completed.

Three site amendments (Amendments 15, 16, and a portion of 48) recommended by the Eugene and Lane County Planning Commissions are not included here. These sites are sites currently designated for Protection in the WEWP, and based upon staff recommendations after analyzing the sites under the new wetland designation criteria, we conclude that there is not sufficient reason to re-designate them.

These amendments also include sites or portions of sites proposed for either the Planned Transportation Corridor designation or the Utility Corridor designation. Both of these designations are protective designations, and are considered "Conservation" designations under the state rules for Wetland Conservation Plans. This means that they allow somewhat wider uses than the Protection designation. These designations do not have their own criteria because they are intended to be applied to protected wetlands or wetlands that (1) would otherwise be protected, and (2) either contain existing utilities or were previously identified for planned transportation improvements. Therefore, the analysis for these proposed designations relies

primarily on consistency with the goals and policies in the Metropolitan Area General Plan and the West Eugene Wetlands Plan. Most of the Utility Corridor sites were identified based upon information submitted to the City following the Planning Commission review. These new Utility Corridor sites have either been added to an existing proposed amendment, or given a new amendment number (a number followed by a letter).

A. Background Information

In the text below, each amendment will be referred to by number only, as numbered in Exhibit A.

Exhibit A contains maps showing the proposed amendments. Exhibit A also describes in narrative form the proposed changes to the wetland designations map. These items are numbered and listed in Exhibit A in alpha-numeric order by site name. The numbers assigned to each amendment are the same as those used throughout the amendment process since 1996. New sites and some of the newly identified Utility Corridor amendments have been given site labels with a number followed by a letter (e.g., 39a).

B. Analysis of Proposed Amendments Against Approval Criteria

Section 9.145 of the Eugene Code gives the criteria used to determine whether a proposed plan amendment should be approved or not. The proposed amendments must be consistent with the criteria in section 9.145 to be approved.

> **Section 9.145 (2) "The planning commission shall review the proposed amendment and receive evidence, and decide whether the proposed change is consistent with the following approval criteria: (a) The plan amendment is consistent with the Metropolitan Area General Plan;"**

Findings: The Metropolitan Plan (Metro Plan) diagram designates the affected properties for a variety of land uses including heavy industrial, light-medium industrial, special light industrial, commercial, high density residential, medium density residential, low density residential and agriculture. Metropolitan Plan designations for each affected tax lot are given in a separate document entitled "Affected Properties (all ordinances)." Where apparent conflicts exist between Metro Plan policy and the Metro Plan diagram, the text prevails. The analysis here relies primarily on the text of the Metro Plan.

Eighteen of these proposed amendments would designate all or a portion of a site for Protection or Restoration. These are shown in Table 1 below (see key following table for Metro Plan Designation abbreviations.)

Table 1

Amendment Number	Site Number	Affected Acreage	Metro Plan Designation	Public Ownership
1	A1a	3.3	AG	
6	A4a	6.4	SLI	Yes
7	A4d	1.4	SLI	Yes
8	A4e	4.6	SLI	Yes
9	A5	5.4	AG	
20	B10	1.5	FO	
21	BA	2.1	LMI	
25	C6c-e	5.0	LMI	Yes
27a	C8	2.6	C	Yes
37	E1a-b	24.6	LMI/SLI	Yes
38	E2a	1.1	LMI	Yes
39a	E2e	5.5	LMI	Yes
41	EE	7.1	LMI	Yes
42	EF	3.1	LMI	Yes
49	HC	2.6	CC, HDR, MDR	
51	HE	26.4	NR, LDR	Yes
55	IA	4.1	MDR	
56	IB	4.5	MDR	(Yes)*
Totals for	18 sites	111.3		11 sites
				87.8 acres

KEY: AG=Agriculture, CC=Community Commercial, FO=Forest Land, LDR=Low Density Residential, MDR=Medium Density Residential, HDR=High Density Residential, SLI=Special Light Industrial, LMI=Light Medium Industrial, HI=Heavy Industrial

*The City and BLM are in the process of acquiring this site. The sale had not closed at the time of this writing.

Of the 111.3 acres in the above table, 87.8 acres (79%) are owned by public agencies or non-profit conservation organizations, and are managed for wetland protection and restoration. The 87.8 acres of publicly owned land that are proposed for a protective designation will have no impact on private property owners. Some additional acres are governed by conservation easements required by state/federal wetland fill permits and are, therefore, not part of the buildable land base. Table 1 does not include the Hyundai site (site HG) or the Speedway site (portion of H2), since these sites are addressed in separate ordinances, which have not been adopted.

The impacts to the availability of developable land are spread across many categories of land use type. Taken in total, the impacts to each category are not significant for the Metro Plan area as a whole. The thrust of the West Eugene Wetlands Plan has been to attempt to balance development within wetland areas with protection of the most valuable wetlands, and to replace lost wetlands through mitigation. This approach is continued by these amendments. Furthermore, this approach is supported by Metro Plan policies listed below, which call for both protection of wetlands and maintaining adequate land for development. The process of designating wetlands for Protection and Development is, in part, directed by state and federal laws, which set forth guidelines for determining whether a given wetland can be filled and developed. Within this regulatory context, the proposed amendments are appropriate and consistent with Metro Plan policy.

The West Eugene Wetlands Plan proposes Mètro Plan diagram amendments for sites designated for Protection following acquisition by one of the West Eugene Wetlands Program partners (the City, BLM, and the Nature Conservancy). These amendments will be pursued following adoption of the present wetland plan amendments for all sites designated for Protection in the Plan. These future Metro Plan amendments will help the diagrams of the two plans to be more closely aligned.

1. Metro Plan Policies

This section analyzes the sites against applicable goals and policies of the Metropolitan Area General Plan. Listed below are Metro Plan policies used in the analysis of the amendments in the March 19, 1996 staff report to the planning commissions. These are all of the Metro Plan policies we believe apply to this refinement plan amendment proceeding. Not all these policies apply to site designations, as is stated where appropriate below.

> Policy 1, page III-B-4: "Demonstrate a positive interest in existing and new industries, especially those providing above average wage and salary levels, an increased variety of job opportunities, a rise in the standard of

living, and utilization of our existing comparative advantage in the level of education and skill of the resident labor force."

The proposed amendments numbered 6 (portion), 11, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 38, 39, 40, 42 (portion), 42a, 43, 45, 50 and 54 involve designating wetlands for Development that have a Metro Plan designation for industrial use (approximately 57 acres). Of these amendments, 18 out of 22 affect privately owned property. By designating wetlands for Development on a majority of privately owned sites, these designations would "demonstrate a positive interest" in industrial development on these sites.

Twelve proposed amendments (amendments 2, 4, 6, 7, 8, 21, 25, 33, 37, 39a, 41, 42) would designate wetlands for Protection or Restoration on industrial land (a total of 65 acres). Nine of these sites (amendments 6, 7, 8, 25, 33, 37, 39a, 41, 42) are partly or wholly in public ownership (50 acres).

These changes will not have a substantial negative impact on the overall development of industrial land in the area, especially given that these are wetland areas regulated by state and federal law. Each site included in the amendments was carefully weighed against criteria for Protection and Development, and for these twelve sites, natural resource values were judged to outweigh development values.

By designating a majority of the privately owned sites for Development and a majority of the publicly owned sites for Protection, these amendments demonstrate a "positive interest" in industrial development, and, therefore, these amendments are consistent with Policy 1.

Policy 5, page III-B-5: " Provide existing industrial activities sufficient adjacent land for future expansion."

Sixteen amendments (numbered 24, 26, 27, 28, 29, 32, 33, 38 (portion), 39 (portion), 40, 42 (portion), 42a, 43, 44, 45, 50 and 54 (portion)) would designate wetlands for Development that are adjacent to existing industrial development. These sites could potentially provide land for expansion of those developments. Five proposed amendments would designate land next to or near existing industrial development (numbers 25, 37, 38, 42 (portion) and 49) for Protection or Restoration. These five amendments would not have a substantial impact on the supply of industrial land in the west Eugene area. Of the 23 sites next to or near existing industrial development, 17 would be designated wholly or in part for Development. By designating a majority of the wetlands adjacent to existing industrial development for Development, these amendments are consistent with Policy 5.

> Policy 18, page III-B-6: "Encourage the development of transportation facilities which would improve access to industrial and commercial areas and improve freight movement capabilities by implementing the policies and projects in the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan)..."

Proposed amendments numbered 2, 6, 9, 17, 18, 19, 21, 22, 37, 38, 41, 46 and 51 would designate all or a portion of a wetland site for "Planned Transportation Corridor" (total of 8.4 acres). This designation would make this Plan consistent with TransPlan priorities for construction of new streets and improvements to existing streets. These sites all occur within an area primarily designated for industrial use in the Metro Plan, and these amendments would facilitate needed transportation improvements, which is consistent with the above policy.

> Policy 18, page III-C-9: "Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.

Proposed amendments numbered 1, 4, 6 (portion), 7, 8, 9, 20, 21, 25, 27a, 37, 38, 39a, 41, 42 (portion), 49, 51, 55 and 56 involve designating wetlands for Protection and Restoration (a total of 111.5 acres), which will prevent those valuable wetland areas from being developed. By protecting wildlife habitat, water quality and vegetation on these sites, these proposed amendments are consistent with the above policy.

> Policy 19, page III-C-9: "Local governments shall develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan Update."

The West Eugene Wetlands Plan, which contains policies and local land use controls for wetlands in west Eugene, was adopted in 1992. The current proposed amendments will update the 1992 Plan. The proposed text amendments do not affect policies which prescribe the primary wetland protection measures to be implemented: wetland acquisition, wetland buffers and waterside setbacks. The proposed amendments would increase the area of wetlands designated for Protection or Restoration.

> Policy 27, page III-C-10: "Local governments shall encourage further study by specialists of endangered and threatened plant and wildlife species in the metropolitan area."

The amendments that designate sites do not directly encourage or discourage

study of endangered plants and animals. The sites with the most significant habitat for rare plants and animals (amendments 6, 7, 8, 9, 37, 38, 39a, 41, 49, 51, 55 and 56) are proposed to be designated for Protection, as are the sites with the most significant rare plant populations (amendments 6, 7, 8, and 9). These are primarily sites with wet prairie habitat and habitat for the Fender's blue butterfly. The Protection site designations will help ensure that rare plant populations are available for study throughout the Plan area, and are therefore consistent with this policy. Two sites with disturbed wet prairie habitat are proposed for a Development designation, while portions of two other sites with wet prairie are proposed for Development.

> Policy 28, page III-C-10: "Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input."

There are three plant species known to occur in the Plan area that are listed as threatened or endangered by the State of Oregon: *Lomatium bradshawii* (Bradshaw's desert parsley), *Aster curtus* (white-topped aster) and *Erigeron decumbens* var. *decumbens* (Willamette daisy). The occurrence of these species on sites considered in this amendment package is summarized in Table 2 below. In this table, "PTC" stands for the Planned Transportation Corridor designation. A question mark in the column for one of the plant species means the site has not been formally surveyed, but contains suitable habitat.

Table 2

Listed Rare Plant Species on Affected Sites						
Amendment Number	Site Name	*Erigeron decumbens* var. *decumbens*	*Lomatium bradshawii*	*Aster curtus*	Existing Designation	Proposed Designation
6	A4a	Yes	Yes	Yes	Develop	Protect/ PTC
7	A4d	Yes	No	Yes	Develop	Protect
8	A4e	Yes	No	Yes	Develop	Protect
9	A5	Yes	No	Yes	Protect	Protect/ PTC
12	B1	No	Yes	Yes	Restore	No change*

14	B3	Yes	Yes	Yes	Restore	No change*
49	HC	?	?	?	Undesignated	Protect
50	HD	No	Yes	No	Undesignated	Develop
55	IA	No	Yes	No	Undesignated	Protect
58	ID	Yes	No	No	Undesignated	Develop

*These sites along the potential northern alignment of the West Eugene Parkway were part of the original amendment package have been removed and will be considered at a later date.

The table above shows that nine sites or portions of sites affected by proposed amendments are known to contain a listed rare plant species. One additional site (HC) may contain them, based on known populations nearby on the same lot. Seven of the nine are recommended for Protection, in part to protect the rare plants. Portions of two rare plant sites are recommended to be redesignated to Planned Transportation Corridor (PTC), and these are within potential alignments of a proposed Green Hill Road widening project. The adopted policy for the PTC calls for designs that minimize impacts to rare plants. The result should be the protection of most of the rare plants on these two sites. Two rare plant sites (amendments 50 and 58) are recommended for Development, due largely to their isolation from other habitat areas by surrounding development. In the case of amendment #50 (site HD) a high level of disturbance also contributed to this conclusion. These sites, and the two sites along Green Hill Road proposed to be designated for Planned Transportation Corridor, would be reviewed for rare plant impacts as part of the required wetland fill permit process. This review would provide an opportunity to take measures to protect or move those populations or mitigate for any impacts to them.

Under the proposed amendments the majority of known populations of listed rare plants would be protected, with the possibility that through the wetland permitting process, all of the plant populations would be protected. Therefore, the proposed amendments are consistent with this policy.

> Policy 29, page III-C-11: "Local governments shall work with owners of designated environmentally-sensitive areas to require that reasonable actions are taken to protect these lands, e.g., the heronry at the confluence of the Willamette and McKenzie Rivers and the site of the Aster curtus in the Willow Creek Basin."

There are two sites within the West Eugene Wetlands Plan area that are designated in the Metro Plan as environmentally sensitive. They are the Willow Creek Natural Area and Bertelsen Slough. The Bertelsen Slough area is owned and managed by the Bureau of Land Management as a protected natural resource

area. The Willow Creek Natural Area is owned by the Nature Conservancy and is also managed as a protected natural area.

The proposed amendments will not change the fact that both Bertelsen Slough and Willow Creek are being actively managed by their respective owners for protection of natural resources. Therefore, the amendments are consistent with this policy.

> Policy 2, page III-E-3: "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental and energy consequences in the design and construction of urban development and landscaping shall be utilized to enhance those natural features."

Twenty proposed amendments (numbered 1, 5, 6 (portion), 7, 8, 9, 20, 21, 25, 27a, 37, 38, 41, 42 (portion), 49, 51, 55 and 56) involve designating additional wetlands for Protection and Restoration, which will prevent those valuable wetland areas from being developed, and consequently will protect water features and natural vegetation on those sites. These areas include a total of 111.5 acres, which result in a net increase in protected wetlands of 88.5 acres. By protecting wildlife habitat, water quality and vegetation on these sites, these proposed amendments are consistent with the above policy. This analysis does not include the Hyundai site (site HG) or the Speedway site (portion of H2), since these sites are addressed in separate ordinances, which have not been adopted.

Thirty-three proposed amendments (numbers 6 (portion), 9 (portion), 10, 11, 24, 26, 27, 28, 29, 30, 32, 33 (portion), 34, 35, 36, 38, 39, 40, 42 (portion), 42a, 43, 44, 45, 47a, 48, 49 (portion), 50 (portion), 51, 53, 54, 57, 58 and 59) involve designating wetlands for Development. These areas include a total of 91.5 acres. These sites are lower quality wetlands than those being recommended for Protection, due to small size, disturbance, or isolation from other habitat areas. When analyzed according to the adopted criteria wetland designation, the development value of these sites outweighs the value of the sites as natural resource areas. Other sites are recommended to be changed to Planned Transportation Corridor, which includes a policy calling for minimizing impacts to wetland functions and values and rare species.

The overall impact of these amendments to the West Eugene Wetlands Plan, would be to protect the majority of wetlands in the Plan area (1,058.5 acres out of 1,411 acres). This includes protecting natural vegetation on these sites and restoration of native habitat on several hundred acres. Based upon the high level of protection of these features, the amendments are consistent with this policy. This analysis does not include the Hyundai site (site HG) or the Speedway site (portion of H2), since these sites are addressed in separate ordinances, which have

not been adopted.

Summary Conclusions: Metro Plan Consistency

The findings above indicate that the proposed amendments are consistent with all applicable Metro Plan policy. (See also Table 3, Consistency with Approval Criteria, on page 15 of this document).

Section 9.145(2)(b) "The plan amendment is consistent with remaining portions of the refinement plan;"

2. West Eugene Wetlands Plan Goals

The West Eugene Wetlands Plan contains the following applicable Goals (related findings follow each Goal):

Goal 3.1 "Protect and enhance water quality, wildlife habitat, flood storage sediment and toxicant removal and other wetland functions and values."

The proposed amendments add to the area of protected wetlands, and do not remove or change any of the protection measures prescribed in existing plan. Proposed amendments numbered 1, 3, 6 (portion), 7, 8, 9, 11, 20, 21, 25, 37, 41, 42 (portion), 49, 51, 55 and 56 involve designating wetlands for Protection and Restoration (111.5 acres), which will prevent those valuable wetland areas from being developed. Protection of these wetland sites will contribute to the protection and enhancement of water quality, habitat, and other wetland values, and is therefore consistent with Goal 3.1.

Goal 3.2 "Minimize economic hardship on private property owners due to protection of wetlands and other valuable environmental resources."

The proposed amendments aim to protect the most valuable wetlands, while allowing development on lower value, disturbed, isolated wetlands. Allowing this development lessens the overall adverse economic impact of wetlands in the study area. The thirty-three amendments (numbered 6 (portion), 9, 10, 11, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 38, 39, 40, 42 (portion), 42a, 43, 44, 45, 47a, 48, 49, (portion), 50 (portion), 51, 53, 54, 57, 58 and 59) involve designating wetlands for Development. Allowing development on these wetlands will reduce impacts to the buildable land supply and thereby reduce hardship on land owners. Therefore, these amendments are consistent with Goal 3.2.

Goal 3.5 "Protect and Expand current populations and habitats of rare plants and animals that currently exist in west Eugene."

Amendments to the West Eugene Wetlands Plan that were adopted by Eugene and Lane County in 1999 included adoption of a list of rare plants and animals. Rare plants on the list are: *Lomatium bradshawii* (Bradshaw's desert parsley), *Erigeron decumbens* var. *decumbens* (Willamette Valley daisy), *Aster curtus* (white-topped aster), *Lupinus sulphureus* (Kincaid's lupine), *Horkelia congesta* (shaggy horkelia) and *Cicendia quadrangularis* (timwort).

Table 2 above shows sites affected by proposed amendments that contain a state-listed rare plant species. There is one additional site (I1, which is not in that table, because the plant is not state-listed) affected by the proposed amendments known to contain a non-listed "rare" plant. This site contains a population of timwort. The site is proposed for a Development designation in amendment #54. The analysis of this site under the adopted criteria for wetland designation concludes that development values outweigh wetland values on this site.

Goal 3.6 "Achieve state and federal requirement of "no net loss" of wetlands in both quantity (area) and quality (functions and values)."

The West Eugene Wetlands Plan addresses the "no net loss" policy through protection of valuable wetlands and the restoration of degraded wetlands to replace those that are filled. This approach is not changed by the proposed amendments.

Goal 3.7 Protect an interconnected system of wetlands within a sustainable, ecologically sound system, with a high likelihood of long-term survival.

The proposed amendments add to the existing interconnected system of wetlands by designating two wetland sites adjacent to Amazon Creek for Protection (site IA--amendment number 55, and site IB-- amendment number 56.) None of the proposed amendments would have the effect of further fragmenting the existing system of protected wetlands.

3. West Eugene Wetlands Plan Policies

The West Eugene Wetlands Plan criteria for designating jurisdictional wetlands are applied to each site in the matrices at the end of this exhibit. This discussion addresses the following additional applicable policies in the WEWP (related findings follow each policy):

Policy 3.1 "Seek acquisition of protected wetland sites by federal, state and local public agencies and private, non-profit conservation organizations."

The proposed amendments do not affect the on-going efforts of the West Eugene Wetlands Program to acquire wetlands designated for Development in the Plan. The amendments do add additional sites to the protection category that will, if

approved, be added to the sites being pursued in the acquisition program.

Policy 3.5 "Along with Lane County and the State of Oregon, protect wetlands on public lands in the Eugene wetlands study area and restore wetlands on public lands consistent with Wetlands Designations Map (Map 3)."

There are 114 acres of publicly owned wetlands that are affected by these amendments. These sites are either owned by Oregon Department of Transportation, the Bureau of Land Management, the City of Eugene, Lane County or The Nature Conservancy or are within public right-of-way. Of these 114 acres, 85 acres are proposed at least in part for Protection or Restoration. The remaining 29 acres contain wetlands designated for Development (13.5 acres), Planned Transportation Corridor (6.9 acres) or Utility Corridor (8.7 acres). The Utility Corridor is essentially a protection area that allows maintenance and repair of existing utilities, with restoration of impacts required. In summary, out of 114 acres of publicly owned wetland considered, 93.5 acres are proposed for a protective designation. By protecting the vast majority of wetland on public lands, these amendments are consistent with Policy 3.5.

Conclusions: The above findings indicate that the proposed amendments are consistent with the applicable policies in the remainder of the WEWP. The proposed amendments meet the criterion of consistency with the remainder of the refinement plan.

Section 9.145 (2)(c) "The plan amendment is found to address one or more of the following: 1. An error in the publication of the plan;"

Findings: Two of the proposed plan designation changes are to correct an error in the original plan. Site B10 (#20) was inadvertently left out of the existing plan because it was part of a larger wetland site to the north that was removed from the plan area. This area is proposed to be added back into the Plan and designated for Restoration. Site C6d (now part of site C6c-e, amendment # 25) was erroneously designated for Development on the map in the existing Plan. It should have been designated for Protection. This site is proposed to be redesignated to Protection.

Conclusions: Two of the proposed amendments meet this criterion.

Section 9.145 (2)(c) 2. "A change of circumstances in a substantial manner not anticipated in the plan;"

Findings: Several sites are recommended to be re-designated as a result of changes in the planned alignment of the West Eugene Parkway. This planned new road was originally planned to be constructed on the south side of the Southern Pacific Railroad tracks, between Amazon Creek and Green Hill Road. Due to the discovery of rare plants and western pond turtles in this area, this alignment was

abandoned. Sites that were formerly within the planned alignment were re-evaluated under the new wetland designation criteria and several are recommended to be re-designated from Development to Protection (amendments numbered 1, 6 (portion), 7, 8 (portion) and 9).

Section 9.145 (2)(c)3. "Incorporation into the plan of new inventory material which relates to a statewide goal; or"

Findings: The incorporation of new wetland sites into the plan (amendments numbered 9, 10, 11, 20, 21, 24, 25, 26, 27, 27a, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 39a, 40, 41, 42, 42a, 43, 44, 45, 47a, 49, 50, 51, 53, 54, 55, 56, 57, 58 and 59) is an incorporation of new inventory material which relates to statewide Goal 5. In the case of the West Eugene Wetlands Plan the Goal 5 ESEE analysis requirement is met through the approval process for a state-sanctioned Wetland Conservation Plan as provided for in ORS 196.684(8).

Conclusions: The proposed amendments listed above meet this criterion.

Section 9.145 (2)(c) 4. "A change in public policy."

Findings: Proposed amendments numbered 1, 6, 9, 17, 18, 19, 22, 37, 38, 41 and 51 involve designating all or a portion of a wetland site for "Planned Transportation Corridor". The "Planned Transportation Corridor" is a new Plan designation adopted in amendments approved by Eugene and Lane County in 1999. This designation is considered a "conservation" designation under state rules, which allows more uses than would be allowed within a wetland designated for Protection. These amendments respond to recent changes in the Oregon Administrative Rules which govern the Oregon Division of State Lands administration of the state's wetland regulatory system. These state rule changes, approved after adoption of the Plan in 1992, included provisions for allowing "utilities and transportation facilities not built, but specifically identified in the acknowledged local comprehensive plan " within otherwise protected areas (OAR 141-120-030(2) and 141-120-130(2)(a)). The amendments listed above, made possible by the changes to OAR, ensure consistency between the Plan designation and policy contained in TransPlan, a refinement plan to the Metro Plan.

Following adoption of the Plan in 1992, new state rules were adopted governing wetlands designated for Protection in an adopted Wetland Conservation Plan. The West Eugene Wetlands Plan is the only approved Wetland Conservation Plan in Oregon. The new state rules specified the activities allowed within Protected wetlands, and raised uncertainty about whether certain maintenance or repair activities on existing utilities would be allowed. In order to address this conflict, a new policy was adopted to establish a special designation for existing utilities within protected wetlands, which is called Utility Corridor. This designation is

considered a "conservation" designation under state rules, which allows more uses than would be allowed within a wetland designated for Protection The WEWP limits the additional uses that can occur within these areas to utility maintenance and repair and under certain conditions, construction of new utilities. The following amendments include areas proposed for the Utility Corridor designation: 5a, 6, 8, 9, 22, 23, 23a, 23b, 25, 38, 42, 46, 48, 49, and 56.

Conclusions: The proposed amendments listed above, which address planned transportation projects and utility maintenance and repair, respond to changes in state regulations and thus are consistent with this criterion.

Summary Conclusions:

Each of the proposed amendments meet the criteria under Eugene Code sections 9.145(2)(a) and (2)(b) and one or more of the criteria for approval of a refinement plan amendment as set forth in Eugene Code section 9.145(2)(c).

Based upon the discussion, findings and conclusions herein (above) The Eugene City Council finds the proposed amendments to be consistent with the criteria contained in Eugene Code section 9.145.

Table 3

Matrix of Consistency
With Refinement Plan Amendment Criteria

		All Amendments must meet these Eugene Code (EC) criteria		Each Amendment must meet at least one of these Eugene Code (EC) criteria			
Amend #	Site #	EC9.145 (2)(a)	EC 9.145 (2)(b)	EC 9.145 (2)(c)1.	EC9.145 (2)(c)2.	EC 9.145 (2)(c)3.	EC 9.145 (2)(c)4.
1	A1a	X	X		X		X
5a	A3a	X	X				X
6	A4a	X	X		X		X
7	A4d	X	X		X		
8	A4e	X	X		X		X
9	A5	X	X		X	X	X
10	AA	X	X			X	
11	AB	X	X			X	
17	B6	X	X				X
18	B7	X	X				X
19	B8	X	X				X
20	B10	X	X	X		X	
21	BA	X	X			X	

Amend #	Site #	EC9.145 (2)(a)	EC 9.145 (2)(b)	EC 9.145 (2)(c)1.	EC9.145 (2)(c)2.	EC 9.145 (2)(c)3.	EC 9.145 (2)(c)4.
22	C2	X	X				X
23	C3a	X	X				X
23a	C4	X	X				X
23b	C5	X	X				X
24	C6a-b	X	X			X	
25	C6c-e	X	X	X		X	X
26	C6f	X	X			X	
27	C6g	X	X			X	
27a	C8	X	X			X	
28	CA	X	X			X	
29	CB	X	X			X	
30	CC	X	X			X	
32	DA	X	X			X	
33	DB	X	X			X	
34	DC	X	X			X	
35	DD	X	X			X	
36	DH	X	X			X	
37	E1a-b	X	X			X	X
38	E2a	X	X			X	X
39	E2b	X	X			X	
39a	E2e	X	X			X	
40	EC	X	X			X	
41	EE	X	X			X	X
42	EF	X	X			X	X
42a	EG	X	X			X	
43	GA	X	X			X	
44	GB	X	X			X	
45	GD	X	X			X	
46	H1	X	X				X
47	H2	X	X			X	
48	H3	X	X				X
49	HC	X	X			X	X
50	HD	X	X			X	
51	HE	X	X			X	X
53	HK	X	X			X	
54	I1	X	X			X	
55	IA	X	X			X	
56	IB	X	X			X	X
57	IC	X	X			X	
58	ID	X	X			X	
59	IE	X	X			X	

II. Supplemental Findings on EWEB's Proposed Crow Substation Site (A5, portion)

A. Consistency with Adopted Wetland Designation Criteria

The Eugene Planning Commission recommended designating the wetlands in the western 175 feet of EWEB's proposed Crow Substation site (about 0.09 acre) for Development and retaining the Restoration and Planned Transportation Corridor designations on the remainder of wetlands on the site. The recommendation was based upon new wetland delineation information and findings of consistency with criteria for adoption of refinement plan amendments.

The Planning Commission's proposed designations for the EWEB Crow Substation site are analyzed below for consistency with the criteria for Protection, Development and Restoration adopted by the Eugene City Council on October 11, 1999 and by the Lane County Board of Commissioners on November 23, 1999.

3.17 The following standards and criteria shall be used to designate newly identified wetland sites or portions of sites (i.e., undesignated wetlands within the West Eugene Wetlands Plan boundaries) for protection, development or restoration on the Wetlands Designation Map (Map 3) of the West Eugene Wetland Plan. These standards and criteria provide the framework for maintaining a balance within the plan area between environmental protection and sound urban development, consistent with state and federal wetland law.

For each site or portion of a site, designations shall be based upon either 1) finding that the site meets at least one of the standards, or 2) a thorough consideration of how all the criteria apply to the site. A wetland site need not meet all of the criteria for a given wetland designation in order to be given that designation. The restoration designation shall be used to identify sites considered important primarily for their location and function in the larger wetland system, and the restoration criteria shall be applied when a site does not clearly meet either the protection or development standards or the protection or development criteria as a whole.

Protection

Standard

1. Sites designated "Natural Resource" on the Metropolitan Area General Plan diagram shall be designated for protection.

This site is designated for agriculture in the Metropolitan Area General Plan and therefore does not meet this standard.

Criteria

1. *Site contains population(s) of one or more rare plant or animal species and contains sufficient and suitable habitat for the long-term protection of the population(s). This criterion is not met if only small occurrences of a species are found on a site with limited suitable habitat that is isolated from other undeveloped parcels.*

This 1.15 acre site has 0.18 acre of jurisdictional wetland. It has been used as pasture for at least 20 years. No rare plants have been found on this site. However, no systematic rare plant survey has been conducted. Due to the level of disturbance of the plant community from both drainage and grazing, rare plant species are unlikely, but still possible.

2. *Site is primarily within the 100 year floodplain.*

None of this site is in the 100 year floodplain. Therefore, this site does not meet this criterion.

3. *Site is within 100 feet of a waterway (stream) designated for protection on Map 3 of the West Eugene Wetlands Plan.*

At its nearest point, Amazon Creek is 0.9 miles from this site. The A-3 Channel is further away. Therefore, this site does not meet this criterion.

4. *Site has a direct perennial or intermittent surface water connection to a wetland designated for protection on Map 3 of the West Eugene Wetlands Plan.*

This site is contiguous with protected wetlands to the south and appears to have a surface hydrologic connection with those wetlands. Therefore, this site meets this criterion.

5. *Site contains a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region.*

This site is small and contains pasture. It does not contribute appreciably to wildlife habitat in the region. Therefore, this site does not meet this criterion.

6. *Site has unique characteristics which make it of special importance to the functioning of the larger wetland system in West Eugene, and protection of site would further the goals and objectives of the West Eugene Wetlands Plan.*

This site is small, contains 0.18 acre of wetland and has been disturbed by continuous grazing for 20 years. Protection of the site would not further the goals and objectives of

the WEWP, and therefore this site does not meet this criterion.

7. *Presence of unique Willamette Prairie Grassland plant community. Site contains indigenous wet prairie habitat. This criterion is intended to apply to areas of wet prairie habitat that are large or of moderate to high quality.*

This site contains disturbed pasture. Although scattered individuals of wet prairie plant species are found on the site, the wet prairie plant community is not found on this site. Therefore, this site does not meet this criterion.

Development

Standard

1. *The site shall be designated for development if, at the time of designation of the site in the West Eugene Wetlands Plan, it has a valid, approved wetland impact permit from the Oregon Division of State Lands and the U.S. Army Corps of Engineers.*

This site does not have an approved permit or environmental impact statement, and, therefore, does not meet this standard.

Criteria

1. *Site is relatively isolated or disconnected from the larger system of wetlands and waterways.*

This site is next to and hydrologically connected to protected wetlands to the south, and, therefore, does not meet this criterion.

2. *Site is served by existing streets, roads, sanitary sewers and municipal water.*

This site is served by streets and roads, but not sanitary sewers or municipal water. Although the use proposed by EWEB for this site does not require either of the urban services that are lacking, the site does not meet this criterion as written.

3. *Site is adjacent to or surrounded by existing development.*

There is no adjacent existing development, and, therefore, this site does not meet this criterion.

4. *Site has frontage on a major highway or street.*

This site has frontage on Greenhill Road, which functions as an arterial between West 11th Avenue and the airport, therefore this site meets this criterion.

5. *Site has unique characteristics which make it of special importance to the economic development of West Eugene, and allowing development of site would further the goals and objectives of the West Eugene Wetlands Plan.*

This site is situated at the intersection point of an existing power line corridor and Greenhill Road, along which a future power line is proposed. EWEB has planned for a substation at this site for 18 years, to serve future development in West Eugene. Construction at this site would be less costly than on other nearby sites that are not immediately adjacent to Greenhill Road because of additional power line extensions that would be required from the Greenhill lines. This substation would provide service to development throughout the west Eugene area. These characteristics make this site of special importance to the overall economic development of West Eugene.

6. *Site characteristics, including size, location and surrounding uses and activities are such that there exists a high probability that the site cannot be protected in perpetuity through the West Eugene Wetlands Program.*

This site is contiguous with a large protected wetland area to the south and is adjacent to wetlands on all four sides. Currently there are no adjacent land uses that have adverse impacts on the site. Large-scale development in the immediate future is unlikely because urban services have not been extended to this area, which is outside the urban growth boundary. Taken together, the location and surrounding uses are such that this site could be protected in perpetuity, and therefore the site does not meet this criterion.

Restoration

Standard

1. Any site or portion of a site that is providing compensatory wetland mitigation as part of an approved state or federal wetland fill permit shall be designated for restoration.

This site is not currently providing wetland mitigation for a permitted fill, and therefore does not meet this standard.

Criteria

1. *Site contains hydric soils.*

The entire site contains hydric soils, and therefore this site meets this criterion.

2. *Site is either a disturbed agricultural wetland or previously exhibited*

wetland characteristics.

This site contains both current wetlands disturbed by grazing and areas that were previously wetland, and therefore the site meets this criterion.

3. *Site is capable of providing adequate wetland hydrology.*

This site has wetland hydrology within the wetland areas, and wetland hydrology to the rest of the site could be restored if the present drainageways were altered or manipulated. Therefore, the site meets this criterion.

4. *Site does not currently benefit from municipal infrastructure and urban services.*

The site currently does not have urban services, and therefore meets this criterion.

5. *Site is either larger than 15 acres or is contiguous with a protected waterway as depicted on Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan.*

The wetland site is only 0.18 acres and is not contiguous with a protected waterway. Therefore, the site does not meet this criterion.

4. Summary of Consistency with Wetland Designation Criteria

The tables below summarizes our analysis of how this site meets the proposed criteria for Protection, Development and Restoration.

Protection Criterion #	Description	Met
1	NR designation in Metro Plan	No

Protection Criterion #	Description	Met
1	Rare species populations	?
2	100 Year Floodplain	No
3	Within 100 feet of protected waterway	No
4	Surface connection to protected wetland	Yes

5	Habitat diversity	No
6	Unique Environmental Characteristics	No
7	Contains Wet Prairie	No
Total Protection Criteria Met (out of 7)		**1**

Development Standard #	**Description**	**Met**
1	Valid Corps and DSL fill permits	No

Development Criterion #	**Description**	**Met**
1	Isolated or Disconnected from System	No
2	Has Roads, Sewers, Water	No*
3	Adjacent to/surrounded by development	No
4	Major street frontage	Yes
5	Unique Economic Characteristics	Yes
6	Cannot be protected in perpetuity	No
Total Development Criteria Met (out of 6)		**2**

*Substation does not require sanitary sewer or municipal water service.

Restore Standard #	**Description**	**Met**
	Mitigation site under approved permit	No

Restore Criterion #	**Description**	**Met**
1	Hydric soils	Yes
2	Disturbed Ag or Previous Wetland	Yes

3	Wetland Hydrology	Yes
4	Lacks Infrastructure	Yes
5	Larger than 15 acres or contiguous with protected waterway	No
Total Restoration Criteria Met (out of 5)		**4**

The EWEB site has low values for both Protection and Development criteria, but meets four out of five Restoration criteria. In recent re-mapping of the wetlands on this site, only a small percentage was shown to be jurisdictional wetland. According to the new wetland delineation mapping, approximately half (0.09 acre) of the wetlands are concentrated in the eastern 75 feet of the site. Approximately 0.09 acre of wetland is scattered throughout the western 175 feet of the site (see figures 1 and 2, attached). If this eastern area were allowed to be developed, it could accommodate a smaller substation facility, while preserving 50% of the wetlands and allowing space for on-site mitigation to replace the wetlands displaced by the substation (see figure 2, attached). This designation is supported by several characteristics of this site: 1) no wet prairie habitat or other moderate to high quality wetland habitat exists on the site, 2) the amount of wetland impact would be extremely small (0.09 acre) and 3) there is enough suitable land in the eastern portion of the site to accommodate mitigation for all wetland impacts on-site. The designation incorporates the Planned Transportation Corridor designation for wetlands within 20 feet of the eastern property line, along Greenhill Road, which would only impact 0.007 acre of wetland along the eastern edge of the site.

B. Consistency of Proposed Designations for the proposed EWEB Substation Site with Approval Criteria for Refinement Plan Amendments

Section 9.145(2) of the Eugene Code gives the criteria used to determine whether a proposed plan amendment should be approved or not. The proposed amendments must be consistent with the criteria in section 9.145(2) to be approved. The analysis below considers the planning commission recommendation to designate the western 0.09 acres of wetland for Development and retain the Restoration designation on the remainder of the wetlands.

Section 9.145 (2) "The planning commission shall review the proposed amendment and receive evidence, and decide whether the proposed change is consistent with the following approval criteria: (a) The plan amendment is consistent with the Metropolitan Area General Plan;"

1. Metro Plan Policies

This section analyzes the site against applicable goals and policies of the Metropolitan Area General Plan. Listed below are Metro Plan policies used in the analysis of the amendments in the March 19, 1996 staff report to the planning commissions. These are all of the Metro Plan policies we believe apply to this refinement plan amendment proceeding. Not all these policies apply to site designations, as is stated where appropriate below.

> Policy 1, page III-B-4: "Demonstrate a positive interest in existing and new industries, especially those providing above average wage and salary levels, an increased variety of job opportunities, a rise in the standard of living, and utilization of our existing comparative advantage in the level of education and skill of the resident labor force."

This site does not involve industrially designated land, so this policy does not directly apply to the Planning Commission recommendation. The Planning Commission recommendation would help facilitate provision of electrical service to future development in the area that could support industrial development, along with other types of development.

> Policy 5, page III-B-5: " Provide existing industrial activities sufficient adjacent land for future expansion."

This site does not involve industrially designated land, so this policy does not apply to the Planning Commission recommendation.

> Policy 18, page III-B-6: "Encourage the development of transportation facilities which would improve access to industrial and commercial areas and improve freight movement capabilities by implementing the policies and projects in the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) . . . "

The Planning Commission recommendation includes applying the Planned Transportation Corridor along Greenhill Road, which will facilitate improvements to Greenhill Road, which serves industrial properties near the airport. Therefore, the Planning Commission recommendation is consistent with Policy 17.

> Policy 18, page III-C-9: "Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.

The West Eugene Wetlands Plan includes policies and programs to protect and manage wetlands. Policy 18 also identifies specific values to be protected. No forest habitat exists on this site and wildlife habitat, scenic resource and vegetation values are very low on this site due to constant grazing for more than 20 years. The Planning Commission

recommendation would protect approximately 50% of the wetlands while providing for on-site mitigation. This designation will address water quality through protection and restoration of wetlands. The Planning Commission recommendation is consistent with this policy.

> Policy 19, page III-C-9: "Local governments shall develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan Update."

This policy is not directly applicable to the designation of a specific site. The West Eugene Wetlands Plan was originally adopted in 1992, and addresses protection of wetlands.

> Policy 27, page III-C-10: "Local governments shall encourage further study by specialists of endangered and threatened plant and wildlife species in the metropolitan area."

The designation of this site would not significantly affect future study of rare plants and animals, since this is a very small, highly disturbed site, and a large expanse of protected habitat with rare plants is nearby to the south. Therefore, the Planning Commission recommendation is consistent with this policy.

> Policy 28, page III-C-10: "Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input."

No systematic rare plant survey has been conducted on this site. However, due to a 20 year history of grazing on the site, rare plants that would typically be found in wet prairie habitat are unlikely on this site. Until a rare plant survey has been conducted, no firm conclusion about consistency with Policy 28 can be reached.

> Policy 29, page III-C-11: "Local governments shall work with owners of designated environmentally-sensitive areas to require that reasonable actions are taken to protect these lands, e.g., the heronry at the confluence of the Willamette and McKenzie Rivers and the site of the Aster curtus in the Willow Creek Basin."

This site does not contain a high value, environmentally sensitive area such as those listed in Policy 29. Therefore, this policy does not apply to this site.

> Policy 2, page III-E-3: "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental and energy consequences in the design and construction of urban development and landscaping shall be utilized to enhance those natural features."

The wetlands on this site have been significantly altered by grazing and historic draining activities to the extent that very little native vegetation grows there. We conclude that the "natural vegetation" and "natural waterways" addressed in Policy 2 do not exist on this site, and therefore this policy is not applicable.

Section 9.145(2)(b) "The plan amendment is consistent with remaining portions of the refinement plan;"

2. WEWP Goals

The West Eugene Wetlands Plan contains the following applicable Goals (related findings follow each Goal). These broad goals apply to the plan as a whole. The Plan defines goals as "broad statements of philosophy and are adopted by the City Council and Lane County Board of Commissioners. They may never be completely attainable, but they describe the hopes of the people and help establish direction (WEWP preface, page x)."

Goal 3.1 "Protect and enhance water quality, wildlife habitat, flood storage, sediment and toxicant removal and other wetland functions and values."

Due to the extremely small area of wetland (0.18 acre) on this site and the 20 year history of grazing and agricultural drainage, the functions and values mentioned in Goal 3.1 are very low on this site. The Planning Commission recommendation would protect approximately 50% of the wetlands. Given the small area, and low values, this level of protection is consistent with Goal 3.1.

Goal 3.2 "Minimize economic hardship on private property owners due to protection of wetlands and other valuable environmental resources."

This site is publicly owned, so this goal does not apply.

Goal 3.3 "Minimize adverse impacts to protected wetlands from adjacent development."

The Planning Commission recommendation for a Restoration designation would allow a small development to occur on part of the lot, while preserving and restoring wetlands on the remainder. This could introduce some impacts depending upon the use of the site and how the development is designed. The Eugene Code requires wetland buffer setbacks on upland that is next to protected wetland, so some protective buffering would be required. These provisions would help ensure that impacts are minimized, which makes the Planning Commission recommendation consistent with Goal 3.3.

Goal 3.5 "Protect and expand current populations and habitats of rare plants and animals that currently exist in west Eugene."

No rare plant or animal populations have been found on this site, and the site does not have suitable habitat due to its 20 year history of grazing, therefore this policy does not apply to this site.

Goal 3.6 "Achieve state and federal requirement of 'no net loss' of wetlands in both quantity (area) and quality (functions and values)."

The Planning Commission recommendation would meet the "no net loss" test by protecting two-thirds of the wetlands, and allowing for on-site mitigation for the remainder. Therefore, the Planning Commission recommendation is consistent with Goal 3.6.

Goal 3.7 "Protect an interconnected system of wetlands within a sustainable, ecologically sound system, with a high likelihood of long-term survival."

The small acreage of low-quality wetlands on this site does not appreciably contribute to the sustainability or long-term survival of the wetland system. However, the Planning Commission recommendation would maintain the same acreage of wetlands on-site, and maintain hydrologic connections to adjacent wetlands to the south, so it is consistent with this goal.

Goal 4.3 "Achieve compliance with federal and state wetland law, policies and guidelines."

The designation of this site is being processed in accordance with local and state land use laws. The West Eugene Wetlands Plan has been approved by the Oregon Division of State Lands and the US Army Corps of Engineers, and these amendments will be submitted to them for approval following local adoption. The amendment process has been coordinated with a Technical Advisory Committee composed of members from all affected state and federal agencies. These facts support the conclusion that the designation of this site is consistent with federal and state wetland laws, policies and guidelines.

Goal 4.4 "Increase certainty in the development process."

The West Eugene Wetlands Plan increases certainty in the development process by 1) facilitating mapping of wetland boundaries and 2) by identifying before the state and federal individual permitting process those wetlands that are most valuable and in need of protection and those that are least valuable and suitable for fill and development. The Plan attempts to achieve certainty by identifying where wetlands exist and where and how

development of wetlands can take place, not by guaranteeing that all owners can develop their wetlands. The designation of this site, in light of new information submitted, will provide that clear direction and will assure certainty for any party considering development of this site. Therefore, the Planning Commission recommendation is consistent with this policy.

Goal 4.5 "Minimize reductions to the existing industrial and commercial buildable lands inventory as a result of wetland protection."

The designation of this site will not affect any industrial or commercial buildable land, so this goal does not apply.

3. WEWP Policies

The West Eugene Wetlands Plan contains the following applicable Policies (related findings follow each Policy). The Plan states that "policies provide the basis for consistent action to move the community toward its goals. Policies are adopted by the City Council and Lane County Board of Commissioners. These polices are used to evaluate actions relative to the Plan (WEWP preface, page x)."

Policy 3.8 "Establish, maintain and protect physical and hydrologic linkages between protected wetland and adjacent transitional and upland wildlife habitat and natural areas."

The Planning Commission recommendation would maintain hydrologic connections between on-site wetlands and the larger wetland complex to the south. It would also ultimately maintain the same wetland acreage. By preserving this linkage, the Planning Commission recommendation is consistent with this policy.

Policy 4.1 "Mitigation efforts shall help to reestablish a connected system of wetlands, waterways and upland resources."

The Planning Commission recommendation would allow restoration of on-site wetlands and maintain connections with the larger wetland complex to the south. It would also ultimately maintain the same wetland acreage, while consolidating the wetlands in the east side of the site. By preserving these wetlands and their hydrologic connections, the Planning Commission recommendation is consistent with this policy.

The following sections address the remaining Eugene Code approval criteria for refinement plan amendments. Code sections are in **bold text** and applicable findings follow each section.

Section 9.145 (2)(c) "The plan amendment is found to address one or more of the following: 1. An error in the publication of the plan;

Not applicable.

Section 9.145 (2)(c) 2. "A change of circumstances in a substantial manner not anticipated in the plan;"

Not applicable.

Section 9.145 (2)(c)3. "Incorporation into the plan of new inventory material which relates to a statewide goal; or"

A new wetland delineation for the site has been conducted and accepted by DSL and the Corps. In addition, new information has been submitted regarding the type and quality of habitat on this site. This new inventory material relates to statewide Goal 5, which meets this criterion.

Section 9.145 (2)(c) 4. "A change in public policy."

Not applicable.

4. Summary of Consistency with Adoption Criteria

The above analysis concludes that the proposed site specific amendments are consistent with goals and policies in the Metro Plan and the West Eugene Wetlands Plan and, therefore, these amendments are consistent with the adoption criteria in the Eugene Code for refinement plan amendments..

III. Supplemental Findings on Utilities within Protected Wetlands

A. Background on Utilities within Protected Wetlands

In June 1996, EWEB contacted city planning staff regarding potential work on an existing water line at the edge of a wetland protected by the West Eugene Wetlands Plan (WEWP). This contact led to discussions with Oregon Division of State Lands staff. These discussions revealed that the state's recently adopted administrative rules included restrictions on uses that can be allowed within a wetland designated for Protection in a wetland conservation plan (OAR 141-120-030(2) and 141-120-130(2)(a)). Excavation for construction of or connection to utilities is not allowed within the Protection designation. Maintenance work or repairs on a water or sewer line that passes through a protected wetland site may also be prohibited in some cases. Many utility lines predate the plan, and the locations of most were unknown to wetland planning staff until 1996. The state rules which restrict such activities within protected wetlands were adopted following local adoption of the plan in 1992.

Over a period of two years, staff attempted to gather all available information on the location of both underground and above-ground utilities within wetlands designated or proposed for Protection. Staff sent several letters and made several phone calls to each utility that owns facilities in west Eugene. The information showed that several sites contain existing utilities within protected wetlands. No information was received from US West or AT&T Cable services about their facilities in the area. The information obtained to date is summarized in the table below.

Utilities within Protected Wetlands		
Site Name	**Utility Type**	**General Location (see attached maps)**
A3a	Gas, EWEB	North-south along Green Hill Road
A4a	EWEB	East-west through northern part of site
A4e	Sanitary, EWEB	North-south within Terry St. right of way, east-west through north end of site
A5	EWEB	East-west along northern edge of site
C2	Gas	Along north edge of site, adjacent to Amazon Creek
C3a	Sanitary	follows Terry St. right of way
C3a	Sanitary, Storm, EWEB	from Pacific Ave. south to east-west sanitary line north of Spectra Physics

C3a	Sanitary	from Pacific Ave. south along east side of Spectra Physics
C4	Storm	East-west line through middle of site
C5	Storm, EWEB	2 short lines cross east end of mitigation site to outflow in Amazon Creek
C6c-e	Storm, EWEB	Line from Oscar St. cul-de-sac south to Amazon, Line from Nolan St. cul-de-sac south to Amazon
E2a	Sanitary, Gas	East-west line along former W. 5th Ave. right of way, North-south line from Grimes St. to 5th Ave., along Steward Road at Steward Pond, at 3rd and Wallis
E2d	Sanitary	North-south line through west end of site
EF	Gas, EWEB	Small areas in northwest, northeast, and southeast corners of proposed protected area.
H1	EWEB	Along north edge of site, along W. 18th--rare plant site, short north-south line just north of Gimpl Hill Road.
H2	Sanitary, EWEB	Along north edge along W. 11th Ave. and along service road to Speedway facility.
H3	EWEB	North-south line through eastern half of site
HC	Gas	At northeast corner of site
HG	EWEB	East-west line through southwest field
IB	Sanitary	east-west line through middle of wetland

B. Utility Corridor Policy

The Eugene City Council and the Lane County Board of Commissioners adopted a new policy on utilities within protected wetlands. This policy ensures that these areas will continue to be given adequate protection, while allowing maintenance and repairs of existing utilities. New utilities can only be constructed under very unusual circumstances, when a strenuous alternatives analysis concludes that it is the best way to minimize overall wetland impacts.

> "Future fill or removal within the "utility corridors" as designated on the Wetland Designation Map (Map 3) shall be conducted with an applicable U.S. Army Corps of Engineers (Army Corps) and/or Division of State Lands dredge and fill permit(s), and shall be limited to the minimum impacts necessary to:
>
> 1) conduct emergency repairs to existing utility lines,

2) conduct essential maintenance (e.g., work to maintain or optimize performance) on existing utility lines, including line locating,
3) construct connections to existing utility lines,
4) construct new utility lines,
5) move existing utility lines when necessary to maintain service or conduct emergency repairs, and when at least one of the following is true:
   a) the utility line must be moved to protect it from erosion or some other natural threat;
   b) construction of public facilities that are consistent with this plan and that conflict with an existing utility line, where such public facilities cannot reasonably be constructed without moving the utility line; or
   c) the utility line must be moved in order to maintain or repair another utility line in the same vicinity.
6) place new utility poles or replace existing utility poles, only when necessary to maintain performance or safety of above-ground utility lines. Above-ground utility lines may not be replaced with underground utility lines within wetlands designated for restoration or protection.

No other impacts are authorized by this policy. The following shall also apply to these corridors:

a. The corridors for underground utility lines shall be 20 feet wide for excavations or pipes up to 10 feet below ground surface (bgs), 30 feet wide for excavations or pipes from 10 to 15 feet bgs, and 40 feet wide for excavations or pipes deeper than 15 feet bgs. Where two utility lines are close to each other, the corridors for the lines may overlap, but impacts for work on one line are allowed only within the corridor width for that line, not the combined width of both lines.
b. The corridors for above ground utility lines shall be 10 feet wide for single pole structures and 20 feet wide for double pole ("H-style") structures.
c. The utility corridors shall be centered on an existing utility line, extending an equal distance (half the allowed width) on both sides, except for corridors for new utility lines, which shall be located as specified in subsection d below.
d. Construction of new utility lines and new connections to existing utility lines within wetlands designated for protection shall require an amendment of this plan to change the designation from "protect" to "utility line corridor." Such amendments will only be allowed where it is demonstrated that:
   1) an alternatives analysis has concluded that locating the new utility line within a protected wetland is the best alternative. The alternatives analysis shall compare alternatives that are completely outside of protected wetlands and compare them to any alternatives that impact protected wetlands. The alternatives shall be evaluated by weighing engineering requirements and total environmental impacts including impacts to rare species and their habitat, and to wetlands designated in the Plan for restoration or protection.
   2) the new construction cannot reasonably be constructed completely outside

of wetlands designated for protection as demonstrated in the above-referenced alternatives analysis;

3) the utility lines are located so as to reduce the impact to wetlands designated for protection as much as possible, and in no case shall a cumulative area greater than 1 acre be re-designated from "protection" to "utility corridor" for a new utility line;

4) unavoidable impacts will be mitigated through restoration of the project's entire impact area;

5) there are no impacts to wetlands from new utility lines installed within the Willow Creek Natural Area; and

6) impacts to rare plant and animal species will not occur.

e. Other than the activities described in this policy, these corridors shall be treated as protected wetlands. Allowed activities shall be conducted in such a manner as to minimize adverse impacts to the maximum extent possible upon the wetlands within the corridor itself and within surrounding protected wetlands. Wetland impacts shall be limited to the minimum area necessary. Utility agencies shall use the best feasible technology to pinpoint the location of needed repairs prior to excavation in order to limit the area of impact.

f. Except for emergency repairs, these activities shall be planned and timed to minimize adverse impacts to wetlands.

g. All impacts shall be followed by restoration activities including:

1) backfilling with existing native soil within three feet of the surface whenever possible, and in no case less than two feet; and

2) grading and re-seeding and/or replanting with appropriate native plant species.

h. Any unavoidable impacts to rare plant species shall be mitigated through coordinated transplanting or other measures."

This ordinance includes amendments to the Wetland Designations Map to designate corridors within protected wetlands, as shown on the attached maps and narrative descriptions in Exhibit A.

C. Analysis of Proposed Utility Corridor Designations For Consistency with Approval Criteria for Proposed Amendments

Section 9.145(2) of the Eugene Code gives the criteria used to decide whether a proposed plan amendment should be approved or not. The proposed amendments must be consistent with the criteria in section 9.145(2) to be approved. The analysis below considers the proposed amendments to designate certain corridors containing utilities as Utility Corridor, which would allow maintenance, repairs and connections to existing facilities, and construction of new facilities if protective conditions are met.

In a few cases, the Utility Corridor designation is proposed on a site that is currently undesignated, but which would otherwise be proposed for Protection. These sites total 1

acre in the Plan area. Given that this area is relatively insignificant (0.06% of the total wetland area), the discussion below primarily refers to those sites that are currently designated for Protection, although it is acknowledged here that a few sites that are currently developable are proposed for this designation. The impact is so small that it is not considered significant in terms of the policies below.

Section 9.145 (2) "The planning commission shall review the proposed amendment and receive evidence, and decide whether the proposed change is consistent with the following approval criteria: (a) The plan amendment is consistent with the Metropolitan Area General Plan;"

1. Metro Plan Policies

This section analyzes the site against applicable goals and policies of the Metropolitan Area General Plan. Listed below are Metro Plan policies used in the analysis of the amendments in the March 19, 1996 staff report to the planning commissions. These are all of the Metro Plan policies we believe apply to this refinement plan amendment proceeding. Not all these policies apply to site designations, as is stated where appropriate below.

> Policy 1, page III-B-4: "Demonstrate a positive interest in existing and new industries, especially those providing above average wage and salary levels, an increased variety of job opportunities, a rise in the standard of living, and utilization of our existing comparative advantage in the level of education and skill of the resident labor force."

Both new and existing industries depend on continued operation of utility facilities, such as municipal water, sanitary sewer and storm sewers. The proposed Utility Corridor designations would facilitate continued operation of these facilities, and is therefore consistent with Policy 1.

> Policy 5, page III-B-5: " Provide existing industrial activities sufficient adjacent land for future expansion."

The proposed amendments to designate land for Utility Corridors primarily affects land that is already designated for Protection, and, therefore, unavailable for development. These amendments would not affect the available land for industrial expansion, so this policy is not applicable. A total of 1.4 acres scattered across 9 sites is proposed for the Utility Corridor designation where the previous designation was not Protection. This is the case for new sites otherwise proposed for Protection or sites proposed to be re-designated to Protection. This acreage is very small in relation to the available industrial land, and would not significantly reduce the land available for expansion. Therefore these amendments are consistent with this policy.

Policy 18, page III-B-6: "Encourage the development of transportation facilities which would improve access to industrial and commercial areas and improve freight movement capabilities by implementing the policies and projects in the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) . . . "

Not applicable.

Policy 18, page III-C-9: "Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.

The Utility Corridor designations will result in requirements for avoidance and minimization of wetland impacts and restoration of wetland impacts that are necessary. These requirements restrict development in wetlands to protect the values listed in Policy 18, and therefore the proposed amendments are consistent with it.

Policy 19, page III-C-9: "Local governments shall develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan Update."

The Utility Corridor policy is a local policy calling for protection and management of wetland areas, while allowing specified utility activities, and, therefore, is consistent with Policy 19. These sites are proposed for designation under that policy, and therefore, these amendments are also consistent with Policy 19.

Policy 27, page III-C-10: "Local governments shall encourage further study by specialists of endangered and threatened plant and wildlife species in the metropolitan area."

This policy does not apply to the proposed amendments that apply the Utilities Corridor designation.

Policy 28, page III-C-10: "Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input."

The adopted Utility Corridor policy requires that construction of new facilities avoids any impacts to rare plant and animal species (as listed in the WEWP). Where rare plants are growing over an existing underground line, repairs to that line would have unavoidable impacts. The policy calls for these impacts to be mitigated through transplanting or other suitable measures. These measures to protect rare species would be applied to all areas proposed for the Utility Corridor designation, and these amendments would, therefore, be consistent with Policy 28.

Policy 29, page III-C-11: "Local governments shall work with owners of designated environmentally-sensitive areas to require that reasonable actions are taken to protect these lands, e.g., the heronry at the confluence of the Willamette and McKenzie Rivers and the site of the Aster curtus in the Willow Creek Basin."

The Utility Corridor policy includes conditions and requirements that utility companies must follow to protect wetland resources near their facilities. These requirements would apply to all areas proposed for the Utility Corridor designation, and these amendments are, therefore, consistent with Policy 29.

Policy 2, page III-E-3: "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental and energy consequences in the design and construction of urban development and landscaping shall be utilized to enhance those natural features."

Not applicable.

Section 9.145(2)(b) "The plan amendment is consistent with remaining portions of the refinement plan;"

2. WEWP Goals

The West Eugene Wetlands Plan contains the following applicable Goals (related findings follow each Goal). These broad goals apply to the plan as a whole. The Plan defines goals as "broad statements of philosophy and are adopted by the City Council and Lane County Board of Commissioners. They may never be completely attainable, but they describe the hopes of the people and help establish direction (WEWP preface, page x)."

Goal 3.1 "Protect and enhance water quality, wildlife habitat, flood storage sediment and toxicant removal and other wetland functions and values."

The proposed Utility Corridor designations within protected wetlands would apply several requirements to these area that would minimize impacts to wetlands and help protect wetland functions and values. The Utility Corridor designation would only allow impacts for underground utility work, and requires that wetland impacts are minimized through planning, timing, design and restoration. These elements, along with the recommended action calling for development of guidelines for utility companies working in and around wetlands will help protect wetland functions and values, and make the proposed designations consistent with Goal 3.1.

Goal 3.2 "Minimize economic hardship on private property owners due to protection of wetlands and other valuable environmental resources."

The proposed Utility Corridor designations within protected wetlands would not place additional restrictions upon the use of private property, since these areas are otherwise protected. On the contrary, it would facilitate maintenance and repair of utility facilities which private developments depend upon, which is of benefit to the owners of those developments, therefore the proposed Utility Corridor designations are consistent with Goal 3.2.

Goal 3.3 "Minimize adverse impacts to protected wetlands from adjacent development."

The proposed Utility Corridor designations within protected wetlands do not directly address development outside of protected wetlands. Therefore, this goal is not applicable.

Goal 3.5 "Protect and expand current populations and habitats of rare, endangered and threatened plants and animals that currently exist in west Eugene."

The proposed Utility Corridor designations within protected wetlands would apply provisions to address rare plants and animals as part of utility maintenance, repair and construction. The provisions call for avoiding rare species impacts for new construction, and minimizing impacts associated with maintenance and repair through transplanting and restoration of habitat. These provisions will help to protect and expand rare species populations, given necessary maintenance and repair to existing underground utilities; therefore, the proposal is consistent with Goal 3.5.

Goal 3.6 "Achieve state and federal requirement of 'no net loss' of wetlands in both quantity (area) and quality (functions and values)."

The requirement to restore wetland conditions after construction or repairs makes the proposed Utility Corridor designations consistent with Goal 3.6.

Goal 3.7 "Protect an interconnected system of wetlands within a sustainable, ecologically sound system, with a high likelihood of long-term survival."

The proposed Utility Corridor designations within protected wetlands includes several elements that minimize impacts to wetlands and help protect wetland functions and values. The new designation would only allow impacts for utility work, and requires that wetland impacts are minimized through planning, timing, design and restoration. These elements, along with the recommended action calling for development of guidelines for utility companies working in and around wetlands will help protect wetland systems, and make the proposed Utility Corridor designations consistent with Goal 3.7.

Goal 4.3 "Achieve compliance with federal and state wetland law, policies and guidelines."

The proposed Utility Corridor designations within protected wetlands are consistent with state rules that allow for partial protection ("conservation" as opposed to "protection") of wetlands; therefore, this proposal is consistent with Goal 4.3.

Goal 4.4 "Increase certainty in the development process."

The proposed Utility Corridor designations within protected wetlands will not affect certainty for development of private land.

Goal 4.5 "Minimize reductions to the existing industrial and commercial buildable lands inventory as a result of wetland protection."

The proposed Utility Corridor designations within protected wetlands will not affect the supply of buildable land, since it only applies within otherwise protected wetlands.

3. WEWP Policies

The West Eugene Wetlands Plan contains the following applicable Policies (related findings follow each Policy). The Plan states that "policies provide the basis for consistent action to move the community toward its goals. Policies are adopted by the City Council and Lane County Board of Commissioners. These polices are used to evaluate actions relative to the Plan (WEWP preface, page x)."

Policy 3.8 Establish, maintain and protect physical and hydrologic linkages between protected wetland and adjacent transitional and upland wildlife habitat and natural areas.

The proposed Utility Corridor designations within protected wetlands attempts to maintain linkages between wetlands and adjacent transitional or upland wildlife habitat through post construction restoration. Restoration should be effective at maintaining physical linkages. Subsurface hydrological linkages may be altered somewhat by construction of new lines, due to deposition of gravel in the trench around a new pipe. In these cases, backfill with native soil is required by the proposed policy within three feet of the surface. This requirement and the avoidance and minimization requirements will help maintain existing linkages. These provisions will minimize disruption of existing linkages between protected wetlands and, therefore, proposed Utility Corridor designations are consistent with Policy 3.8.

Policy 4.1 Mitigation efforts shall help to reestablish a connected system of wetlands, waterways and upland resources.

Not applicable.

Policy 4.3 Mitigation efforts shall concentrate on restoring wetland type, habitat,

functions and values that represent the historic ecological landscape of the Amazon Creek basin.

Not applicable.

Section 9.145 (2)(c) "The plan amendment is found to address one or more of the following: 1. An error in the publication of the plan";

Not applicable.

Section 9.145 (2)(c) 2. "A change of circumstances in a substantial manner not anticipated in the plan;"

The changes to the Oregon Administrative Rules regarding allowed activities within protected wetlands are a change of circumstances that was not anticipated at the time the original plan was adopted.

Section 9.145 (2)(c)3. "Incorporation into the plan of new inventory material which relates to a statewide goal; or"

Not applicable.

Section 9.145 (2)(c) 4. "A change in public policy."

The changes to the Oregon Administrative Rules regarding allowed activities within protected wetlands are a change in public policy that substantially affects the implementation of the Plan.

4. Summary of Consistency with Adoption Criteria

As shown in the discussion above, the proposed Utility Corridor designations within protected and undesignated wetlands would allow essential maintenance and repairs to existing facilities, and would allow new construction only if stringent criteria are met. The proposal includes provisions for minimizing wetland impacts and requires restoration of all impacts. The discussion above shows that the Planning Commission recommendation is consistent with applicable policies in the Metro Plan and with applicable goals and policies in the West Eugene Wetlands Plan.

Exhibit C, Consistency with Wetland Designation Criteria

Site A1a
Amendment #1

PROTECTION STANDARD	MET	COMMENTS
1. NR Metro Plan Designation	No	Agriculture/urban reserve, Special light industrial

PROTECTION CRITERIA	MET	COMMENTS
1. Population of rare plant or animal species with suitable habitat	No	This area was surveyed for rare plants in 1993 and 1994, and no rare plants were found.
2. Primarily within 100 year floodplain	No	None of site is within flood hazard area.
3. Within 100 feet of WEWP protected waterway	No	At the closest point, these wetlands are over 2,500 feet from Dead Cow Creek, the nearest protected waterway.
4. Surface water connection to protected wetland	Yes	Site A1a is connected with protected site A5.
5. Habitat diversity on site or adds to diversity of habitat system	Yes	
6. Unique, of special importance to wetland system, and protection would further WEWP goals/objectives	No	
7. Contains large or moderate to high value wet prairie	No	

DEVELOPMENT STANDARD	MET	COMMENTS
1. Approved Wetland Impact Permit	No	

DEVELOPMENT CRITERIA	MET	COMMENTS
1. Isolated, disconnected wetland	No	
2. Sanitary sewer, municipal water, street access	No	
3. Adjacent to/surrounded by development	No	
4. Major highway or street frontage	Yes	Access to these areas is from Green Hill Road, which is a minor arterial.
5. Unique, of special importance to economic development of West Eugene, and development would further WEWP goals/objectives	No	
6. Site cannot be protected from adjacent uses/activities	No	

RESTORATION STANDARD	MET	COMMENTS
1. Permit-required wetland mitigation site	No	

RESTORE CRITERIA	MET	COMMENTS
1. Contains hydric Soils	Yes	Dayton silt loam
2. Disturbed agricultural or former wetland	No	
3. Existing or potential wetland hydrology	Yes	
4. Lacks urban services	Yes	
5. Over 15 acres or next to protected waterway	No	

Total Wetland Acreage: 3.3

Planning Commission Recommendation: Re-designate strip along Green Hill Road from Development to Planned Transportation Corridor. Re-designate remainder from Development to Protection.

City Council Decision: Same.

Notes: This site is somewhat disturbed, but contains unique pond habitat that is scarce in west Eugene, and may provide habitat for the western pond turtle.

Exhibit C, Consistency with Wetland Designation Criteria

Site A2a
Amendment #3

PROTECTION STANDARD	MET	COMMENTS
1. NR Metro Plan Designation	No	Agriculture/urban reserve, Special light industrial

PROTECTION CRITERIA	MET	COMMENTS
1. Population of rare plant or animal species with suitable habitat	No	This area was surveyed for rare plants in 1993 and 1994, and no rare plants were found. 1993 surveys for western pond turtles showed turtles were using nearby wetland ponds.
2. Primarily within 100 year floodplain	No	None of site is within flood hazard area.
3. Within 100 feet of WEWP protected waterway	No	At the closest point, these wetlands are over 400 feet from Dead Cow Creek, the nearest protected waterway.
4. Surface water connection to protected wetland	No	
5. Habitat diversity on site or adds to diversity of habitat system	Yes	Scrub/shrub habitat next to wet prairie site.
6. Unique, of special importance to wetland system, and protection would further WEWP goals/objectives	No	
7. Contains large or moderate to high value wet prairie	No	

DEVELOPMENT STANDARD	MET	COMMENTS
1. Approved Wetland Impact Permit	No	

DEVELOPMENT CRITERIA	MET	COMMENTS
1. Isolated, disconnected wetland	Yes	This wetland is near to, but not contiguous with, other protected wetlands. They are separated by land that has been disturbed by a previous industrial use.
2. Sanitary sewer, municipal water, street access	No	
3. Adjacent to/surrounded by development	No	
4. Major highway or street frontage	Yes	Access to these areas is from Green Hill Road, which is a minor arterial.
5. Unique, of special importance to economic development of West Eugene, and development would further WEWP goals/objectives	No	
6. Site cannot be protected from adjacent uses/activities	?	There is on-site disturbance from previous uses, but surrounding parcels are primarily protected wetlands.

RESTORATION STANDARD	MET	COMMENTS
1. Permit-required wetland mitigation site	No	

RESTORE CRITERIA	MET	COMMENTS
1. Contains hydric Soils	Yes	Dayton silt loam
2. Disturbed agricultural or former wetland	No	
3. Existing or potential wetland hydrology	Yes	
4. Lacks urban services	Yes	
5. Over 15 acres or next to protected waterway	No	

Total Wetland Acreage: 1.5

Planning Commission Recommendation: Re-designate from Development to Protection.

City Council Decision: Leave as currently designated (Development).

Notes: These wetlands are somewhat disturbed, and are surrounded by a heavily disturbed former mill site.

Exhibit C, Consistency with Wetland Designation Criteria

Site A2b
Amendment #4

PROTECTION STANDARD	MET	COMMENTS
1. NR Metro Plan Designation	No	Special light industrial

PROTECTION CRITERIA	MET	COMMENTS
1. Population of rare plant or animal species with suitable habitat	Yes	This area was surveyed for rare plants in 1993 and 1994, and no rare plants were found. 1993 surveys for western pond turtles showed turtles were using site A2b regularly and site A2e incidentally. Western pond turtles also were found in the Dead Cow Creek drainage system, and could be using other nearby wetland ponds.
2. Primarily within 100 year floodplain	No	None of site is within flood hazard area.
3. Within 100 feet of WEWP protected waterway	No	At the closest point, these wetlands are over 400 feet from Dead Cow Creek, the nearest protected waterway.
4. Surface water connection to protected wetland	No	
5. Habitat diversity on site or adds to diversity of habitat system	Yes	Perennial pond.
6. Unique, of special importance to wetland system, and protection would further WEWP goals/objectives	No	
7. Contains large or moderate to high value wet prairie	No	

DEVELOPMENT STANDARD	MET	COMMENTS
1. Approved Wetland Impact Permit	No	

DEVELOPMENT CRITERIA	MET	COMMENTS
1. Isolated, disconnected wetland	Yes	These ponds are near to, but not contiguous with, other protected wetlands. They are separated by land that has been disturbed by a previous industrial use.
2. Sanitary sewer, municipal water, street access	No	
3. Adjacent to/surrounded by development	No	
4. Major highway or street frontage	Yes	Access to these areas is from Green Hill Road, which is a minor arterial.
5. Unique, of special importance to economic development of West Eugene, and development would further WEWP goals/objectives	No	
6. Site cannot be protected from adjacent uses/activities	?	There is on-site disturbance from previous uses, but surrounding parcels are primarily protected wetlands.

RESTORATION STANDARD	MET	COMMENTS
1. Permit-required wetland mitigation site	No	

RESTORE CRITERIA	MET	COMMENTS
1. Contains hydric Soils	Yes	Dayton silt loam
2. Disturbed agricultural or former wetland	No	
3. Existing or potential wetland hydrology	Yes	
4. Lacks urban services	Yes	
5. Over 15 acres or next to protected waterway	No	

Total Wetland Acreage: 0.13

Planning Commission Recommendation: Re-designate from Development to Protection.

City Council Decision: Leave as currently designated (Development).

Notes: This wetlands is somewhat disturbed, but contains unique pond habitat that is scarce in west Eugene, and provides habitat for the western pond turtle. However, the previous land use resulted in much of the site being covered with gravel and asphalt. These areas are exempt from wetland setback provisions since they were previously developed, which means that there would not be adequate protection of the ponds from any new development.

ORDINANCE NO. 20201

AN ORDINANCE AMENDING THE WEST EUGENE WETLANDS PLAN BY ADOPTING NEW WETLAND DESIGNATIONS FOR SITE HG, REFERRED TO AS THE HYUNDAI SITE, AND RELATED TEXT AMENDMENTS; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds that:

A. On May 20,1992, the Eugene City Council adopted Ordinance No.19853 adopting the West Eugene Wetlands Special Area Study, a refinement plan to the Eugene-Springfield Metropolitan Area General Plan, subsequently amended in part by Ordinance No. 19867 adopted by the City Council on August 10, 1992.

B. On March 6, 1995, the Eugene City Council adopted Ordinance No. 20002 amending the West Eugene Wetlands Special Area Study and changing the name to the West Eugene Wetlands Plan.

C. The City of Eugene has initiated additional amendments to the West Eugene Wetlands Plan to amend Plan policies and text, and to adopt wetland designations for certain properties located within the Plan boundary.

D. On March 19, 1996 the Eugene Planning Commission conducted a joint public hearing with the Lane County Planning Commission on draft amendments to the West Eugene Wetlands Plan.

E. On May 6, 1996 and on May 5 and May 12 and December 8, 1997, the Eugene Planning Commission voted to recommend approval of amendments to the West Eugene Wetlands Plan. On June 4, 1996 and on September 16 and December 16, 1997, the Lane County Planning Commission voted to recommend approval of these amendments to the West Eugene Wetlands Plan to the Lane County Board of Commissioners.

F. On February 18 and April 8, 1998, the Eugene City Council conducted a joint public hearing and a joint work session with the Board of County Commissioners of Lane County on amendments to the policy and text of the West Eugene Wetlands Plan.

G. On May 20,1998 the Eugene City Council adopted Ordinance No. 20119 amending the West Eugene Wetlands Plan to establish new Planned Transportation Corridor and Utility Corridor wetland designations, and on February 22, 1999, adopted Ordinance No. 20147 adopting Planned Transportation Corridor wetland designations for City of Eugene properties located within

the West 18th and West 11th Avenue road improvement projects. On June 24, 1998 the Board of County Commissioners adopted Board Ordinance No. PA 1117 amending the West Eugene Wetlands Plan to establish new Planned Transportation Corridor and Utility Corridor wetland designations and, on April 21, 1999, adopted Board Ordinance No. PA 1129 adopting Planned Transportation Corridor wetland designations for City of Eugene properties located within the West 18th and West 11th Avenue road improvement projects.

H. On July 8, 1998 the City Council adopted Ordinance No. 20126 amending the West Eugene Wetlands Plan by adopting new or revised Plan policies and revising Plan text. On November 10, 1998, after deleting policies related to criteria for protection, development and restoration, the Board of County Commissioners adopted Board Ordinance No. PA 1106, which adopted the other policy and text amendments of Ordinance No. 20126. The Board of County Commissioners and the Eugene City Council established the Council/Board Committee on West Eugene Wetlands Policy Amendments to review alternatives and prepare a joint recommendation to the Board and the Council on amendments to the West Eugene Wetlands Plan criteria for protection, development and restoration.

I. On August 4, 1999, the Eugene City Council and Lane County Board of Commissioners held a joint public hearing on the proposed wetland designation criteria recommended by the Council/Board Committee. On October 11, 1999, the Eugene City Council adopted Ordinance No. 20171, amending Ordinance No. 20126 and adopting new and revised Plan policies related to the criteria for wetland designations. The Board of County Commissioners adopted Board Ordinance No. PA 1133 adopting the new and revised Plan policies on November 23, 1999.

J. On April 12, 2000, the Eugene City Council and Lane County Board of Commissioners held a joint public hearing on wetland site designation amendments, text and policy amendments related to specific sites, and a policy amendment related to wetland mitigation replacement ratios.

K. Evidence exists within the record that the proposal meets the requirements of Chapter 9 of the Eugene Code, 1971 and the requirements of applicable state and local law as described in the findings adopted in support of this Ordinance.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The West Eugene Wetlands Plan, as adopted by Ordinance No. 19853 and amended by Ordinance No. 19867, Ordinance No. 20002, Ordinance No. 20119, Ordinance No. 20126 (as amended by Ordinance No. 20171), Ordinance No. 20147 and Ordinance No. 20171, is further amended as set forth in attached Exhibit A incorporated by this reference as if fully set forth herein.

Section 2. The Eugene City Recorder, with the concurrence of the City Attorney and County Counsel, is authorized to administratively renumber any provisions of the West Eugene Wetland Plan (Plan) at the time the provisions adopted herein are incorporated into the Plan, and to correct any cross-references necessitated by the renumbering.

Section 3. Although not part of this Ordinance, the findings in attached Exhibits B and C are adopted in support of this Ordinance.

Section 4. Notwithstanding the provisions of the Eugene Charter of 1976, amendments to the West Eugene Wetlands Plan adopted by Exhibit A to this Ordinance shall not become effective until identical provisions are adopted by the Lane County Board of Commissioners.

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

Passed by the City Council this

7th day of August, 2000

City Recorder

Approved by the Mayor this

7th day of August, 2000

Mayor

Exhibit A
Site HG, Referred to as the Hyundai Site

Wetland Designation Map Changes

Revise the Wetlands Designation Map (Map 3) for Site HG, referred to as the Hyundai Site, as shown on the attached map.

Text Amendments

34. Update Conceptual Plan Map (was Map 4)

45. Update Appendix C, Wetland Value Criteria, as follows:*

. . .

High value wetlands to be protected include . . . [no change]

Moderate value wetlands to be protected include . . . HG (portion) . . .

These wetlands *[to be restored]* include: . . . and HG (portion).

* Please refer to Ordinance No. PA 1107 and Ordinance No. PA 1108 for other amendments. Text in italics is not included in the amendment.

Exhibit B

Findings of Consistency with Oregon Statewide Planning Goals

The Eugene-Springfield Metropolitan Area General Plan is a local comprehensive plan acknowledged by the state's Land Conservation and Development Commission, and the West Eugene Wetlands Plan is an adopted refinement plan to the Metro Plan. This document contains findings that address the consistency of the attached amendments to the West Eugene Wetlands Plan with applicable Oregon Statewide Planning Goals (City of Eugene File RA 96-001).

These amendments to the West Eugene Wetlands Plan will result in changes to existing locally adopted inventory information regarding two land use categories: natural resources and industrial lands. These amendments do not affect the supply of residential or commercial land. Accordingly, this analysis addresses Oregon Statewide Planning Goal 1 (Citizen Involvement), Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources), and Goal 9 (Economic Development). Other Statewide Planning Goals are not specifically implicated by this ordinance. This document also contains analysis, findings and conclusions on the impacts of the amendments on the supply of industrial lands in the Eugene-Springfield Metropolitan area. This analysis concludes that these refinement plan amendments are consistent with applicable Oregon Statewide Planning Goals.

These amendments are part of a series of amendments, the remainder of which are contained in two separate ordinances. Statewide Planning Goal findings similar to those contained in this Exhibit are also contained in the exhibits to the other two ordinances.

Background

The amendments analyzed herein are changes to the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan. This map applies one or more of several defined wetland designations to each inventoried wetland in the study area. Each designation and its effect on buildable lands is explained in general terms below.

Protection: This designation is applied to wetlands of exceptional value, and, coupled with state and federal wetland laws, has the effect of preventing fill, disturbance or development within wetlands so designated. Where this designation is applied to wetlands that were previously considered buildable, it is treated as a subtraction from the buildable lands inventory. Where this designation is applied to wetlands that were previously designated for restoration it is ignored in this analysis.

Restoration: This designation is applied to lower quality wetlands whose value is determined primarily by their size, location and connectivity to other wetlands or waterways. These wetlands

are very important to the functioning of the larger wetland and hydrologic system because of their place in the landscape and their potential to be rehabilitated into higher quality wetlands. Where this designation is applied to wetlands that were previously considered buildable, it is treated as a subtraction from the buildable lands inventory. Where this designation is applied to wetlands that were previously designated for protection it is ignored in this analysis.

Development: This designation is generally applied to wetlands that are highly disturbed, and isolated and have services available for urban levels of development. Where this designation is applied to a site that was previously not designated, it is treated as having no impact on the buildable land inventory. Where this designation is applied to a site that was previously designated either for restoration or protection, it is treated as an addition to the buildable lands inventory.

Planned Transportation Corridor: This designation is applied to areas previously designated for restoration or protection to allow needed roadway improvements. Since the application of this designation occurs only in non-buildable areas (i.e., wetlands designated for protection or restoration) and it only allows road improvements, it does not affect the buildable land inventory.

Utility Corridor: This designation is applied to areas previously designated for restoration or protection to allow necessary maintenance and repairs to existing utilities. It also would allow construction of new underground facilities under certain circumstances. Like the Planned Transportation Corridor above, this designation does not affect buildable lands except where it is applied to new wetland sites. Only one new wetland site has a portion designated Utility Corridor, and this is reflected in the attached table.

Goal 1-Citizen Involvement

Statewide Goal 1 calls for local governments "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The planning and adoption process for these amendments has incorporated many opportunities for citizen involvement at all phases of the process as detailed below.

1. This process began with a wetland inventory project in 1993, for which all affected property owners were contacted to obtain permission for the study to be conducted on their property. Only properties where owners gave permission were included in an on-site study.

2. After the wetland inventory was completed, the results were presented at a public workshop held on December 11, 1993. All affected owners, and everyone on the West Eugene Wetlands Plan interested parties list (more than 800 people) were sent notices about the workshop.

3. After studying the new wetland inventory data and incorporating citizen

comments from the 1993 Workshop, a second workshop was held to present to the public preliminary staff recommendations for amendments to the West Eugene Wetlands Plan. This workshop was held on June 28, 1994 and notices were sent to all those that got the earlier notice plus any who requested to be on the mailing list.

4. A third public workshop was held on December 5, 1995 to present revised staff recommendations for amendments to the public. Again, notice was sent to all affected property owners and more than 900 interested parties. Citizen and agency comments from this workshop were incorporated into the staff recommendations forwarded to the Eugene and Lane County Planning Commissions.

5. On March 18, 1996, a public hearing was held before the Eugene and Lane County Planning Commissions regarding these amendments to the West Eugene Wetlands Plan. Notice was sent to all affected property owners, all owners and occupants within 400 feet of affected properties, affected neighborhood groups and more than 900 interested parties. Bright orange notices were posted next to each affected property regarding the hearing.

6. On December 17, 1997, a second public hearing was held before the Eugene Planning Commission and the Lane County Planning Commission regarding four specific plan amendments. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

7. On February 18, 1998 a public hearing was held before the Eugene City Council and the Lane County Board of Commissioners regarding amendments to the policies and text of the West Eugene Wetlands Plan. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

8. On April 12, 2000 a public hearing was held before the Eugene City Council and the Lane County Board of Commissioners regarding these amendments. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

We find that the opportunities for citizen involvement detailed above are beyond what is

necessary to achieve consistency with Goal 1.

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

The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open spaces. In addition to the Goal, the Land Conservation and Development Commission has adopted an administrative rule to aid local government in achieving the requirements of the Goal. The original Goal 5 Rule, OAR 660, Division 16, was adopted in 1991; revisions to the Goal 5 Rule were adopted in 1996 as OAR 660, Division 23. The 1991 Goal 5 Rule continues to apply to post-acknowledgment plan amendments, such as the West Eugene Wetlands Plan amendments, initiated before September 1, 1996.

Goal 5 and the 1991 Goal 5 Rule focus on the process required to prepare a Goal 5 inventory and develop a program to achieve the goal on a site-specific basis, through preservation of a resource site; allowing conflicting uses and the loss of the resource; or mitigating negative impacts associated with the conflicting uses through partial protection.

Findings:

The West Eugene Wetlands Plan (WEWP) is an approved wetland conservation plan as defined in ORS 196.800(15). Approval for the existing plan as a Wetland Conservation Plan was granted by the Oregon Division of State Lands on September 13, 1994. ORS 196.684(8) specifies the relationship between Wetland Conservation Plan approval and compliance with Goal 5:

> "Wetland conservation plans approved by the Director of the Division of State Lands pursuant to ORS 196.668 to 196.692 shall be deemed to comply with the requirements of any statewide planning goals related to wetlands, other than estuarine wetlands, for those areas, uses and activities which are regulated by the plan." [See also, ORS 197.279]

Approval of the West Eugene Wetlands Plan by the Oregon Division of State Lands (DSL) as provided by law, satisfies all the requirements of any applicable statewide planning goal related to wetlands (including Goal 5) for those areas, uses and activities which are regulated by the plan.

The amendments clarify and further refine the WEWP. The findings of goal compliance made as part of initial adoption of the WEWP remain essentially unaffected by these amendments. Amendments to the West Eugene Wetlands Plan adopted in 1998 and 1999 to revise the wetland designation criteria and add new wetland designations for Planned Transportation Corridor and Utility Corridor have been acknowledged for compliance with Goal 5. The site designations in these amendments are consistent with those acknowledged criteria, as outlined in Exhibit C to this ordinance.

Plan policy and text changes do not significantly alter the function, design and structure of the

WEWP. The fundamental program developed for Goal 5 compliance essentially remains unchanged. The policies and criteria of the WEWP operate as a tool to further Goal 5 compliance by assisting in determining the significance of wetland resources, the conflicts and the economic, social, environmental and energy values involved in protecting the resource. That analysis approaches the wetlands of West Eugene as part of an interconnected natural system rather than as separate, discrete sites. The focus remains inside the West Eugene Wetlands Special Study Area, keeping in mind that the larger system of which these wetlands are a part extends beyond this and other political boundaries.

As detailed in Exhibit C, the amendments are consistent with the applicable policies of the Metro Plan and the West Eugene Wetlands Plan. Those are the same policies previously acknowledged as being in compliance with statewide planning goals; and, in the case of the West Eugene Wetlands Plan policies, deemed to be in compliance with applicable statewide goals by DSL approval of the WEWP as a wetlands conservation plan. The inventory and significance determinations for individual sites meet the DSL requirements, and the plan amendments comply with ORS 196.681 to 196.684 and OAR 141-120. For those reasons, these amendments to the West Eugene Wetlands Plan comply with Statewide Planning Goal 5.

Goal 9 - Economic Development

The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, wealth, and prosperity of Oregon's citizens.

Methodology for Goal 9 Analysis

To address consistency with Statewide Planning Goals 9, the amendments were analyzed to document additions or reductions to the supply of industrial lands within the Metro area, due to these amendments to the Plan. These amendments do not affect any land designated for commercial or residential use. This analysis is based on existing inventory, supply and demand data provided in the Metropolitan Industrial Lands Special Study, as well as on site information not included in this study.

The attached tables include areas that involve a change in designation from "protect" or "restore" status to development (an increase in supply), and areas that involve a change from "development" or "undesignated" status to "protection" or "restoration" (a decrease in supply). Designation changes that allow development, but do not affect the inventory of available land are also shown in the accompanying tables. The affected areas were identified and their acreage was calculated using the regional Geographic Information System. In some cases, the acreage figures were estimated using manual calculation methods, while most often computer mapping analysis was used. This information has further been categorized by land use type and Metro Plan designation (see Tables 1 and 2, attached). This information was used to summarize the potential impacts that these refinement plan amendments would have on the existing supply of industrial lands in the Metro area. Narrative summaries of the results of this analysis are included below.

The following additional points will clarify the scope of this analysis:

1. This analysis addresses amendments which directly affect Site HG (the Hyundai site).

2. This analysis only considers impacts to the local inventory of buildable land resulting from these amendments to the West Eugene Wetlands Plan. It does not take into consideration changes resulting from other local plans, policies, or actions.

3. The Metropolitan Industrial Lands Inventory Report (July 1993) identifies a projected demand for industrial land in a range from 650 acres to 1,172 acres. This projected demand was not broken down into any sub-categories, such as size, type or location. As a result the analysis here does not address these sub-categories.

4. The Metropolitan Industrial Lands Inventory Report (July 1993) includes land inside the adopted urban growth boundary, which encompasses land both inside and outside the Eugene city limits. Urban services are available to all properties within the city limits, but are not immediately available to properties outside the city limits. These properties outside the city limits must annex to the City of Eugene in order to receive urban services. Consequently, if land outside the city limits is removed from the buildable lands inventory, it has a less immediate effect because these properties are not developable until they are annexed. All of the land included in these amendments are within the Eugene City Limits.

5. All areas designated by these amendments for protection and restoration are vacant, undeveloped areas. Therefore, these amendments will not apply to existing development, and do not apply new land use restrictions to existing development. The wetlands designations included in these amendments affect an undeveloped portion of three partially developed parcels, as shown in the table below:

Site Name	Map Number	Lot Number	New Designation	Acreage
HG	18-04-04-20	400	Develop	2.7
HG	18-04-04-20	1300	Protect	26.9
HG	18-04-04-20	1300	Utility Corridor	0.2
HG	18-04-04-20	1300	Develop	2.4
HG	18-04-04-20	1300	Restore	0.5

HG	18-04-04-20	1400	Restore	23.5
HG	18-04-04-20	1400	Develop	2.9

6. On Site HG, the acreage removed from the buildable lands inventory (in tables 1 and 2, attached) was larger than the wetland acreage designated, due to non-wetland areas surrounded by wetland designated for protection or restoration. These areas would be rendered unbuildable since they are either too small to develop or because there would be no possible access to them. These acreages are estimated in the tables attached, and incorporated into the findings below.

7. Additional wetland sites are proposed to be designated in two separate ordinances. In order to assess the cumulative impact to the buildable lands inventory of all the amendments (including those in this ordinance along with those in the other two ordinances) the impacts from the other two ordinances must be accounted for. One of these ordinances was adopted previously, and the buildable lands impact analysis for that ordinance is referenced below. The other ordinance affects Site H2 (the Speedway site). This analysis assumes that none of the wetlands on industrial land being designated on Site H2 would be available for development, since wetland designations for that site have not been adopted. (Note: some of the wetlands on site H2 are already designated in the existing West Eugene Wetlands Plan, and those wetlands are not reflected in this figure). On Site H2 (the Speedway site), there are 10.2 acres of wetland designated for light medium industrial use that are being designated at this time in a separate ordinance. Assuming that all of the wetlands on Site H2 are unavailable for development allows this analysis to conclude, no matter how much of the wetlands on that site are designated for protection or restoration, whether sufficient land remains in the buildable lands inventory.

Findings for Industrial Lands:

The Metropolitan Industrial Lands Special Study, including both the Inventory Report and the Policy Report, describes the long-term supply and demand for industrial lands metro-wide. In 1992, these documents were approved by the Eugene City Council, the Springfield City Council and the Lane County Board of Commissioners. According to the data and findings contained in these reports (as of January 1, 1989), there were approximately 3,600 acres of buildable industrial land in the Metro area.[1] This figure is broken down into separate industrial land use categories in the "Buildable Acres" table below. The twenty-year demand projection for

[1] Metropolitan Industrial Lands Inventory Report, Lane Council of Governments, 125 East 8th Avenue, Eugene, Oregon, 97401, July 1993, p.73.

buildable industrial land was between 650 and 1,172 acres.[2]

Wetland designation changes to protection or restoration as a part of the amendments included in this ordinance would decrease the available inventory of industrial land by 51.2 acres (see Table 2 below). Since there are no additions to the inventory of buildable industrial lands, the net change based on these calculations would be an overall decrease of buildable industrial land by 51.2 acres. This represents a reduction in the overall supply of industrial land of 1.4%, leaving 3,553.1 acres of inventoried industrial land unaffected by these refinement plan amendments. This represents a supply that is 2,381.1 acres more than the maximum projected twenty-year demand for 1,172 acres. Although the industrial land inventory is broken down into different types of industrial land, the demand projection analysis does not break down the industrial land into smaller categories. The acreage figures above include estimates of non-wetland acreage that would be unavailable as a result of designating surrounding wetlands for protection or development. This occurs on site HG, where, due to the configuration of wetlands designated for Restoration, 3.8 acres of non-wetland would be unavailable for development in addition to the wetlands designated for Restoration (see attached tables).

	Buildable Acres[3]--Industrial Land						
	Heavy Industrial	**Special Heavy Indus-trial**	**Light Medium Indus-trial**	**Special Light Industrial**	**Mixed/ University**	**Non-Industrial**	**Total (all cate-gories)**
Eugene UGB	254.18	500.41	1,230.78	734.52	43.12	132.48	2,895.49
Springfield UGB	198.34	0.00	198.77	255.17	4.22	52.29	708.80
Metro UGB Total	452.52	500.41	1,429.55	989.69	47.34	184.77	3,604.29
	Impacts to Industrial Lands Inventory from WEWP Amendments						
Net Impact of Amdmts. (acres)	0.0	0.0	0.0	-51.2	0.0	0.0	-51.2

2 Ibid., p.73.

3 Metropolitan Industrial Lands Inventory Report, Lane Council of Governments, 125 East 8th Avenue, Eugene, Oregon, 97401, July 1993, p. 47

Percentage Impact	0.0%	0.0%	0.0%	-5.2%	0.0%	0.0%	-1.4%
Inventory Remaining (acres)	452.5	500.4	1,429.5	938.5	47.3	184.8	3,553.1

The reductions to the buildable lands inventory affect a proportionately small area in comparison to the total supply of available industrial land. The amendments to the West Eugene Wetlands Plan leave adequate industrial land within the Eugene-Springfield metropolitan area within the 20-year planning period. Therefore, these amendments are consistent with Goal 9 with respect to industrial land.

The cumulative impact on the buildable lands inventory of these amendments together with amendments included in other ordinances adopted previously can be calculated by combining the impacts of the three ordinances. The ordinance which contains amendments affecting Site H2 (the Speedway site) would remove up to 10.2 acres from the industrial buildable lands inventory. The remaining ordinance (the "multiple sites" ordinance) contains amendments that would remove a total of 54.8 acres of industrial buildable land. Together with the reductions from amendments affecting the Hyundai site (included in this ordinance), these designations would bring the total reduction in buildable industrial land from all three ordinances to 116.2 acres. This would leave 3,488.1 acres of buildable industrial land available, which represents a supply that is 2,316.1 acres more than the maximum projected twenty-year demand for 1,172 acres of industrial land. Therefore, after the amendments in all three ordinances are adopted, there will be sufficient buildable industrial land remaining to meet the projected 20-year demand.

As stated above, these amendments do not affect land designated for commercial use in the Metropolitan Area General Plan. Therefore, no analysis of impacts to the supply of commercial land is required under Statewide Planning Goal 9.

Conclusions

The above findings show that these amendments to the West Eugene Wetlands Plan are consistent with Oregon Statewide Planning Goals 1, 5 and 9. This conclusion is based on: 1) the relatively minor impact (through restrictions of land use) that wetland designation changes will have on the overall supply of industrial land, 2) the fact that these minor impacts will not prohibit or significantly interfere with meeting the projected twenty-year buildable land demands as it is indicated in the inventory report noted above, 3) the abundant opportunities provided for citizen involvement throughout the planning process and 4) approval of these amendments by the Oregon Division of State Lands as amendments to the West Eugene Wetland Conservation Plan. No further analysis of Statewide Planning Goals is necessary for these amendments to the West Eugene Wetlands Plan (RA 96-1).

Exhibit B, Buildable Lands Analysis Tables

Table 1: Affected Industrial Lots with Buildable Acreage Decreases

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total	
18040420	1300	HG		Campus Industrial	Undesignated		0.52	26.93	0.21			27.67	
18040420	1400	HG		Campus Industrial	Undesignated		23.48					23.48	51.15 Subtotal for CI

Note: The area shown as Restore on 1804042001400 includes 3.8 acres of non-wetland estimated to be undevelopable due to the configuration of the restoration area.

Table 2: Affected Industrial Lots with No Change in Buildable Area

Map	Lot	Site	Amend number	Metro Plan Designation	Current Status	Develop	Restore	Protect	Utility	Trans Corr	Previously Filled	Total	
18040420	400	HG		Campus Industrial	Undesignated	2.72					2.52	5.24	
18040420	500	HG		Campus Industrial	Undesignated						2.80	2.80	
18040420	600	HG		Campus Industrial	Undesignated						0.28	0.28	
18040420	1300	HG		Campus Industrial	Undesignated	2.37					3.31	5.68	
18040420	1400	HG		Campus Industrial	Undesignated	2.92					0.38	3.30	17.29 Subtotal for CI

Exhibit C

Findings of Consistency with Refinement Plan Amendment Criteria

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I. Introduction

The findings that follow include an analysis of the Hyundai site (HG) against the adopted wetland designation criteria. These criteria have elsewhere been found consistent with the Eugene Code criteria for adoption of a refinement plan amendment including consistency with Metro Plan criteria and remaining policies in the plan being amended. Therefore, since the wetland site designation meets the criteria for designation of wetlands and those criteria are consistent with code criteria, Metro Plan policies and goals and policies in the Wetlands Plan, we can conclude that the designations are also consistent with code criteria, Metro Plan policies and goals and policies in the Wetlands Plan. Even though consistency has been demonstrated in this manner, the findings below go further to include direct application of Metro Plan policies and Wetlands Plan goals and policies to the wetland designations, and finds them to be consistent with these goals and policies.

II. General Findings

The wetland designations for the Hyundai site (Site HG) include areas for Protection, Restoration and Development. The wetlands generally on the north end of the site are proposed for Development. This includes wetlands adjacent to where Hyundai's phase 1 is constructed, and where additional construction associated with phases 2 and 3 is planned. The wetlands generally in the southeast portion of the site are proposed for Restoration. This includes a portion of Hyundai's mitigation site for phases 1 and 2. The majority of the wetland meadow in the southwest field is proposed for Protection. On the whole, these designations provide for significant development opportunities, opportunities for expansion of the existing facilities, opportunities for mitigation of impacts to wetlands designated for Development, and Protection of valuable wetlands and associated plant and animal habitat.

The following information about the Hyundai site was submitted through the December 17, 1996 public hearing process and appears to be substantiated by evidence in the record. References follow each item.

1. One mature blooming plant of *Erigeron decumbens* var. *decumbens* was found within the phase 3 area, and no other state or federal listed species were found. The surveyors noted that significant areas of potential habitat had been disturbed by heavy machinery making complete survey impossible in those areas. (Pfeiffer, in 12/17/97 Planning Commission packet)

2. No systematic survey for *Cicendia quadrangularis* was conducted on the site. However, about 50 *C. quadrangularis* plants were found along the east-west ditch, outside the proposed phase 3 area. *C. quadrangularis* is included on List 2 (endangered throughout range) of the Oregon Natural Heritage Program. (Pfeiffer-- 12/17/97 PC packet)

3. At least four acres of wet prairie habitat dominated by native species are distributed throughout the southeast field, according to surveys conducted by Hyundai contractors for

the on-site mitigation project. (#163)

4. Within the prairie habitat inside the southeast field, the ratio of native dominant and sub-dominant plant species to *non-native* dominant and sub-dominant plant species is roughly the same as that in the Willow Creek Natural Area's high quality wet prairie habitat. (#99, #163)

5. Construction of phase 1 of Hyundai's development began in 1996. Site maps show that buildings associated with phase 1 are approximately 600 feet from the wetlands in the southeast field. These maps also show that the stormwater treatment facility is approximately 300 feet from the nearest wetlands in the southeast field. (Pfeiffer, Attachment 6--12/17/96 PC packet)

6. Hyundai's on-site mitigation has been constructed and has altered hydrology on the site. The grading plan for the mitigation area was altered to provide for a hydrologic connection between the mitigation area and the wetlands in the southeast field. Further, the Corps permit that authorized the mitigation project included a special condition (#4) that "requires the permittee to maintain the hydrological connection between the wetlands in the northwest corner of the site and those downslope at all times." (#146, #175, Monical–12/17/96 PC packet)

7. According to the Corps of Engineers "the primary source of hydrology to the wetlands was determined to be precipitation (SRI/Shapiro Technical Memorandum to Barbara Priest dated October 23, 1995). This assessment appears to be confirmed by both the drainage patterns, and the pattern of the wetlands on the landscape." (Monical–12/17/96 PC packet)

8. Surveys were conducted on the Hyundai site for Oregon chub and salmonid species and none were found. No survey was conducted for other aquatic species, amphibious species or other water-dependent species. (Pfeiffer--12/17/96 PC packet)

9. A population of *Erigeron decumbens* var. *decumbens* exists 200 meters (off-site) to the east of the *E. decumbens* plants on the Hyundai site. (#167)

10. Geo-technical studies conducted by GeoEngineers in 1995 state that no fill was detected south of the east-west ditch in a study that involved 25 test pits and 9 deeper borings. All fill was found north of the east-west ditch, in the area now occupied by stormwater treatment facilities. (Reed, #99)

The following information was received from the Oregon Division of State Lands on March 7, 2000 (Patti Caswell, ODSL, personal conversation):

Hyundai's wetland fill permit from the Oregon Division of State Lands for Phases 1 and 2 expired on January 28, 1999. The US Army Corps of Engineers permit is still valid, but will expire on

December 19, 2000.

The following interpretations of terms and phrases used in the Wetland Designation Criteria are adopted herein and applied to the analyses under the Criteria below.

Site: The term "site," as used in the Wetland Designation Criteria, is interpreted to mean the entire wetland site, as mapped in the West Eugene Wetland Conservation Plan Inventory. Each "site" in the inventory has a unique label (e.g., HG). Although the entire wetland system is interconnected, each individual site has some characteristics that make it distinctive from other sites. On the inventory maps, all wetlands that share the same site label are considered to be part of one wetland site. For the purposes of the analysis under the Wetland Designation Criteria, each (entire) site is analyzed under the Criteria to determine how to designate the site. On sites where this analysis leads to the conclusion that two or more wetland designations should be applied to the site, it is instructive to apply the Criteria to sub-areas of the site, although this is not required. This is not be construed to mean these sub-areas are considered "sites." Rather, this additional level of analysis is offered to provide confirmation of the designation of sub-areas within the site that receive multiple wetland designations.

Adjacent to or surrounded by existing development: This phrase, as used in Development Criterion #3 ("*Site is adjacent to or surrounded by existing development*") is interpreted to mean that existing development is close enough to the site (including existing development that is on the site), or surrounds enough of the site perimeter so as to have a negative impact on the functioning of the wetlands within the site. This interpretation is deemed important, since many of the wetlands in the West Eugene Wetlands Plan area occur within the context of urban development. If this phrase was interpreted to mean simply that there is some development on an adjacent property, or to mean that development occurs somewhere to the west, north, east and south, then Criterion #3 would fail to be useful in distinguishing one site from another, since nearly all of the sites would meet the criterion. Applying this interpretation, the analysis below looks at how close development is to the wetlands on the site, and how much of the perimeter of the wetland is adjacent to development. Those sites where development is several hundred feet away from the wetlands, or where development is adjacent to only a small portion of the perimeter are not considered to have met the criterion. One relative measure that is used for comparison is the 100 foot maximum wetland buffer setback, which is required for protected wetlands. The findings and legislative record for the adoption of the wetland buffer setback provisions establish that this distance provides adequate protection to wetlands from adjacent urban land uses (Ordinance No. 20006, enacted April 24, 1995). Where adjacent development is several times further from the wetlands than this, the development is not considered close enough to impact the wetlands, and therefore, is not considered adjacent.

Cannot be protected in perpetuity through the West Eugene Wetlands Program: This phrase, as used in Development Criterion #6 (*Site characteristics, including size, location and surrounding uses and activities are such that there exists a high probability that the site cannot be protected in perpetuity through the West Eugene Wetlands Program*), is interpreted to mean either:

(1) The site cannot be controlled through the acquisition (by one or more West Eugene Wetlands Program Partners) of easements or fee title ownership in order to manage the site for wetland protection. In the context of Criterion #6, it is the site characteristics and the characteristics of adjacent areas that would prevent site control and management, as opposed to lack of funding for acquisition (for example, a regulation that prohibits acquisition of property with certain characteristics) ; or
(2) That conditions or activities adjacent to the wetland site, which are outside the control of the Wetlands Program, pose a significant environmental threat to the wetland site (for example, contaminated groundwater on an adjacent parcel is likely to migrate to the wetland site and cause damage to the wetlands).

III. Analysis of Consistency with Adopted Wetland Designation Criteria

The proposed designations for the Hyundai site are reviewed below for consistency with the wetland designation criteria adopted by the Eugene City Council on October 11, 1999 and by the Lane County Board of Commissioners on November 23, 1999. These new criteria are used in place of those contained in Appendix B of the original Plan. The application of "Standards" and "Criteria" as used in the findings below are defined in the West Eugene Wetlands Plan (WEWP) Glossary as follows:

"**standard**: a written objective condition, which if met by a site, automatically determines the wetland designation to be applied."

"**criteria, criterion**: a written measure of character or quality, which is considered together with all other criteria to make a wetland designation decision on sites which do not meet any of the standards."

The site is evaluated as a whole, and is also evaluated within three sub-areas (see map 1 attached): the "north area," the southeast field, and the southwest field.

The standards and criteria are shown below in *italic type,* followed by applicable findings for each.

3.17 The following standards and criteria shall be used to designate newly identified wetland sites or portions of sites (i.e., undesignated wetlands within the West Eugene Wetlands Plan boundaries) for protection, development or restoration on the Wetlands Designation Map (Map 3) of the West Eugene Wetland Plan. These standards and criteria provide the framework for maintaining a balance within the plan area between environmental protection and sound urban development, consistent with state and federal wetland law.

For each site or portion of a site, designations shall be based upon either 1) finding that the site meets at least one of the standards, or 2) a thorough consideration of how all the criteria apply to the site. A wetland site need not meet all of the criteria for a given

designation in order to be given that designation. The restoration designation shall be used to identify sites considered important primarily for their location and function in the larger wetland system, and the restoration criteria shall be applied when a site does not clearly meet either the protection or development standards or the protection or development criteria as a whole.

Protection

Standard

1. *Sites designated "Natural Resource" on the Metropolitan Area General Plan diagram shall be designated for protection.*

No portion of the Hyundai site is designated "Natural Resource" on the Metro Plan diagram. The site does not meet this standard.

Criteria

1. *Site contains population(s) of one or more rare plant or animal species and contains sufficient and suitable habitat for the long-term protection of the population(s). This criterion is not met if only small occurrences of a species are found on a site with limited suitable habitat that is isolated from other undeveloped parcels.*

Rare plant surveys completed during 1996 found two individual plants of *Erigeron decumbens* var. *decumbens,* one of which occurs within the southeast field. The surveyors also mention in their report that they found a population of *Cicendia quadrangularis* along the east-west ditch, 300 feet from Willow Creek Road. This population of *Cicendia* is not within the southwest or southeast fields or the "north area", according to maps of that area submitted by Hyundai. The surveyors also say that they did not systematically search for *Cicendia.* Both of these species are listed as "rare" in the West Eugene Wetlands Plan.

No rare threatened or endangered plants were found within the area designated for Development on the north end of the site, or in the area designated for Protection in the southwest portion of the site.

The intent of the wording of the criterion above was to separate sites with large or diverse populations from those with just a few individual plants of one species. We find that one individual plant separated by 200 meters and a road from a nearby population does not qualify as a population unto itself or as part of the nearby population under the intent of this criterion. Therefore, we conclude that no part of the site meets Protection Criterion #1.

2. *Site is primarily within the 100 year floodplain.*

None of the site is within a 100 year floodplain. Therefore, no part of this site meets this criterion.

3. *Site is within 100 feet of a waterway (stream) designated for protection on Map 3 of the West Eugene Wetlands Plan.*

The intermittent channel (the east-west channel) that runs through the Hyundai site is mapped in the adopted West Eugene Wetlands Plan (Map 3) as a protected waterway. Portions of the southeast field, the southwest field and the "north area" abut this channel. Therefore, criterion # 3 is met for the site as a whole, as well as each of the sub-areas.

4. *Site has a direct perennial or intermittent surface water connection to a wetland designated for protection on Map 3 of the West Eugene Wetlands Plan.*

The Hyundai site as a whole, and the southwest and southeast fields individually, have a direct hydrologic connection to Willow Creek and the Willow Creek Natural Area via the east-west channel, which flows under Willow Creek Road. Culverts under Willow Creek Road maintain a surface water connection between the two sites. A portion of the north area also is hydrologically connected with the east-west ditch, and therefore with protected wetlands in the Willow Creek Natural Area. These areas meet Criterion #4. The wetlands west of the existing phase 1 buildings (a portion of the "north area") may not have a direct surface water connection with protected wetlands via the east-west ditch, and, therefore, if analyzed separately, may not meet this criterion.

5. *Site contains a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region.*

The Hyundai site as a whole contains several habitat types and the ecologically important edges between these habitat types. The site includes wetland prairie, upland prairie, ash-forest wetland, open water, and oak savannah habitats. The site as a whole also contributes to the diversity of habitat in the region because of its large prairie area and the juxtaposition of habitat types. Therefore, the site as a whole meets this criterion.

Although the southeast field is not by itself diverse in terms of habitat, it does contribute significantly to the habitat of the site as a whole, and to the Willow Creek Basin and the West Eugene wetland system as a whole. Diversity of habitat is evaluated not only by counting the number of vegetative communities, but also by evaluating their contribution based upon their function, size and place in the landscape. In the Willow Creek basin, this site provides the only large prairie habitat corridor between Oak savanna habitat and Eugene's most valuable wetlands in the Willow Creek Natural Area. Further, because wet prairie habitat is extremely scarce, this remnant of wet prairie makes an important contribution to the overall diversity of wetland habitat in the larger area. We conclude that the southeast field contributes significantly to the diversity of wildlife habitat in the region, and therefore meets this criterion.

The southwest field contains wet prairie and ash forest wetlands and is adjacent to the oak savannah habitat to the west. This area also functions as a wide corridor for wildlife. These functions contribute to the diversity of habitat on the site as well as in the region, therefore, the

southwest field meets this criterion.

The wetlands within the "north area", which consist primarily of wet seeps on the hillside above the existing facilities, do not significantly add to the diversity of habitat on the site or within the region. The portion of the north area which lies to the south of the east-west ditch is small (0.4 acre) and is a narrow wetland surrounded by non-wetland. Due to these characteristics, this area does not contribute significantly to habitat diversity. Therefore, considered separately, the north area does not meet this criterion.

6. *Site has unique characteristics which make it of special importance to the functioning of the larger wetland system in West Eugene, and protection of site would further the goals and objectives of the West Eugene Wetlands Plan.*

The unique characteristics of the Hyundai site are the combination of its size, its remnant wet prairie habitat, its location in the landscape between oak savanna uplands and high value wetlands, and its hydrologic connection with and contribution to Willow Creek. We conclude that the site as a whole meets this criterion.

Similar to the whole site, the unique characteristics of the southwest and southeast fields are the combination of their size, remnant wet prairie habitat, location in the landscape between oak savanna uplands and high value wetlands, and hydrologic connection with and contribution to Willow Creek. We conclude that the wetlands within the southwest and southeast fields meet this criterion.

The "north area" does not contain the expanse of wet prairie, the variety of wetland types, nor does it provide the connecting corridor that the southeast and southwest fields provide. The portion of the north area which lies to the south of the east-west ditch is small (0.4 acre) and is a narrow wetland surrounded by non-wetland. Due to these characteristics, this area does not contribute significantly to the uniqueness of wetlands in the adjacent southeast field. Therefore, the "north area" does not meet this criterion.

7. *Presence of unique Willamette Prairie Grassland plant community. Site contains indigenous wet prairie habitat. This criterion is intended to apply to areas of wet prairie habitat that are large or of moderate to high quality.*

Evidence in the record indicates that approximately 4 acres of moderate (or better) quality wet prairie habitat exist within the southeast field. Evidence in the record shows that the prevalence of non-native species in the wet prairie habitat within the southeast field is approximately the same as in the highest quality wet prairie in the Willow Creek Natural Area. In addition, field surveys for the on-site mitigation project confirmed that more than 4 acres of wet prairie dominated by native species lies within the southeast field. The southwest field also contains primarily wet prairie type emergent wetlands, and, therefore, meets this criterion. Therefore, we conclude that the site as a whole meets this criterion, and the southwest and southeast fields separately meet this criterion.

The "north area" primarily contains wetlands in the "pasture" category (8.1 acres), with a somewhat smaller proportion of wet prairie wetlands (2.2 acres). There is no evidence in the record to indicate whether or not the 2.2 acres of wet prairie within the north area contains moderate or better quality wet prairie. The 2.2 acres includes three separate wetland areas, the largest of which includes 1.7 acres. Within the entire West Eugene Wetlands Plan area, there are 33 sites that contain wet prairie habitat. These wet prairie areas range in size from less than 1 acre to over 90 acres. Twelve sites have contiguous wet prairie areas greater than 20 acres. In this context, 2.2 acres fall on the small end of the range of wet prairie acreage. Therefore, these wet prairie areas are not of sufficient size to be considered "large" in the context of Protection Criterion 7. Therefore, the north area does not meet Protection Criterion 7.

Development

Standard

1. *The site shall be designated for development if, at the time of designation of the site in the West Eugene Wetlands Plan, it has a valid, approved wetland impact permit from the Oregon Division of State Lands and the U.S. Army Corps of Engineers.*

Hyundai's phase 1 and 2 areas were approved for wetland impact permits in 1995. Since then, the phase 1 facility has been constructed, and the phase 2 facility has not. The Oregon Division of State Lands permit covering the phase 2 area expired on January 28, 1999, and therefore this area does not meet this standard. The U.S. Army Corps of Engineers permit will expire on December 19, 2000. No other part of the site has had an approved wetland fill permit. Therefore, no part of the site meets this criterion.

Criteria

1. *Site is relatively isolated or disconnected from the larger system of wetlands and waterways.*

Wetlands throughout the Hyundai site are hydrologically interconnected, and are hydrologically linked to wetlands to the east through a surface water channel passing under Willow Creek Road. Therefore, these wetlands are connected to both wetlands and waterways, and the site as a whole does not meet this criterion.

The wetlands within the southeast field are bordered by a wetland mitigation site that is hydrologically connected to Willow Creek, an intermittent drainage channel connected to Willow Creek, and uplands that are contiguous with wetlands in the southwest meadow. We conclude that this area is not isolated or disconnected, and therefore does not meet this criterion. The southwest field and the wetlands in the "north area" are also adjacent to other wetlands and to the east-west ditch, and therefore do not meet this criterion.

2. *Site is served by existing streets, roads, sanitary sewers and municipal water.*

Streets, sanitary sewers and municipal water are all available at the site, and with relatively short extensions can be extended to all parts of the site. We conclude that both the site as a whole and the three sub-areas meet this criterion.

3. *Site is adjacent to or surrounded by existing development.*

The wetlands in the "north area" include currently developed areas, as well as adjacent areas substantially altered by the adjacent construction. These areas are sufficiently close to and affected by the new development to meet this criterion. Therefore, the site as a whole also meets this criterion.

The area developed with phase 1 and its accompanying parking lots and stormwater quality control structure are north and northwest approximately 300 to 400 feet from the wetlands within the southeast field. The closest constructed feature is the stormwater facility with landscaped berms (300-400 feet away), while the main buildings and parking lots are 600 to 700 feet away. These distances help to buffer the wetlands within the southeast field from impacts associated with the new development. For comparison, the largest code-required wetland buffer in west Eugene is 100 feet wide. Therefore, the nearest buildings are six to seven times this distance from the wetlands in the southeast field, and the nearest constructed features are three to four times this distance away.

The new development (buildings and parking lots) is adjacent to roughly 700-800 feet of the perimeter of the southeast field, out of a total perimeter of approximately 4,000 feet. We conclude that the nearby development is not close enough, nor bordering enough of the southeast field to meet this criterion. The wetlands in the southwest field are adjacent to the Hyundai development only in one relatively small area. Out of a wetland perimeter that is over 4,500 feet long, about 700 feet (15%) of the perimeter is within 100 feet of existing development. The majority of the wetland in the southwest field is much further from existing development, and based upon that fact, the southwest field does not meet this criterion.

4. *Site has frontage on a major highway or street.*

In November 1999 the Eugene City Council adopted the "Eugene Arterial and Collector Street Plan". This plan designates West 18th Avenue as a minor arterial. For the purposes of this analysis, arterial streets are considered "major streets". We conclude that since West 18th Avenue is a major street, and this site has 300 feet of frontage on West 18th, this criterion is met for the site as a whole. The Arterial and Collector Street Plan designates Willow Creek Road, south of West 18th, as a neighborhood collector, and Willow Creek Circle as a local street. For the purposes of this analysis, neither of these streets is considered a "major street".

The wetlands within the southeast field are bordered by a mitigation site on two sides, a water control facility on one side and an open space area proposed for Protection on the fourth side. Therefore, the southeast field does not have frontage on West 18th Avenue, and does not meet this criterion.

The southwest field is on a tax lot that does not have frontage on West 18th Avenue. Furthermore, the southwest field is over 1400 feet from West 18th at its nearest point, and existing development lies between the southwest field and the nearest street (Willow Creek Circle) that connects to West 18th. Therefore, the southwest field does not have frontage on a major street and does not meet this criterion.

The north area has direct frontage on West 18th Avenue, a major street, and, therefore meets this criterion.

5. *Site has unique characteristics which make it of special importance to the economic development of West Eugene, and allowing development of site would further the goals and objectives of the West Eugene Wetlands Plan.*

In terms of economic development value, the important characteristics of this site include that it is one of only four sites designated special light industrial in the Metro Plan. Of the four special light industrial sites in the Metro Plan, three are in West Eugene. Of the other two West Eugene special light industrial sites, more than 50% is designated protected wetland. Since the area planned for special light industrial use has been decreased by protection of wetlands, land in this category is relatively scarce. The undeveloped portion of this site (including the phase 2 area) is also important to Hyundai as a possible future expansion site due to its size and its proximity to phase 1. We conclude that these characteristics are sufficient to make this site of special importance to the economic development of West Eugene, and that the entire site, as well as each of the sub-areas, meet this criterion.

6. *Site characteristics, including size, location and surrounding uses and activities are such that there exists a high probability that the site cannot be protected in perpetuity through the West Eugene Wetlands Program.*

The southeast field is currently adjacent on three sides to undeveloped, primarily natural open space. The approved development of both phases 1 and 2 of the Hyundai development and the on-site mitigation project are required under conditions of the federal wetland permit not to have adverse impacts upon the remaining wetlands. The area currently being developed with phase 1 and its accompanying parking lots and stormwater quality control structure is approximately 300 to 400 feet from the wetlands within the southeast field. The closest constructed feature is the stormwater facility with landscaped berms (300-400 feet away), while the main buildings and parking lots are 600 to 700 feet away. These distances help to buffer the wetlands within the southeast field from impacts associated with the new development. The new development (buildings and parking lots) is next to roughly 700-800 feet of the perimeter of the southeast field, out of a total perimeter of approximately 4,000 feet. Given the nature of surrounding uses, the size of the contiguous wetland area (more than 20 acres, including the mitigation site), the surrounding open space, the limited portion of the perimeter that is near development and the distance from that development, we conclude that the southeast field could be protected in perpetuity, and therefore does not meet this criterion.

The wetlands in the southwest field are adjacent to existing development only in one area. Out of a wetland perimeter that is over 4,500 feet long, about 700 feet (15%) of the perimeter is within 100 feet of existing development. The majority of the wetland in the southwest field is much further from existing development and surrounding uses are open space and low density residential. Based upon these facts, the surrounding land uses do not pose an obstacle to the long-term protection of the southwest field. Therefore, the southwest field does not meet this criterion.

There is no evidence in the record to indicate that wetlands within the north area could not be acquired or controlled by one or more West Eugene Wetlands Program partners as a result of site characteristics. There is also no evidence in the record that indicates that there are environmental impacts from adjacent uses that would preclude long-term protection of the wetlands within the north area. Therefore, the north area does not meet this criterion.

Restoration

Standard

1. Any site or portion of a site that is providing compensatory wetland mitigation as part of an approved state or federal wetland fill permit shall be designated for restoration.

A portion of the southeast field is currently providing compensatory mitigation for wetland impacts elsewhere, therefore the southeast field meets this standard. That portion of the southeast field, therefore, must be designated for restoration. No other part of the site provides permit-required mitigation.

Criteria

1. Site contains hydric soils.

The wetlands in the southwest field have hydric soils and therefore meet this criterion. The wetland delineation data for the southeast field documents hydric soils in both wetland and non-wetland areas. Therefore, the wetlands in the southeast field meet this criterion. Wetlands within the north area also exhibit hydric soils, and these wetlands, therefore, meet this criterion. This criterion is met for the site as a whole.

2. Site is either a disturbed agricultural wetland or previously exhibited wetland characteristics.

This site has been affected by agricultural uses, and according to data in the record has been partially drained by shallow furrows associated with that activity. Therefore, the site as a whole meets this criterion. Evidence in the record suggests that the southeast field was probably entirely wetland before agricultural disturbance. Therefore, we conclude that the southeast field meets this criterion. The meadow and the ash-forest wetlands in the southwest field show less impact from agricultural uses and the southwest field therefore the southwest field does not meet this criterion. Evidence in the record indicates that some of the wetlands within the north area have

been agriculturally manipulated, and, therefore, this area also meets this criterion.

3. *Site is capable of providing adequate wetland hydrology.*

Wetlands within this site currently provide adequate wetland hydrology. Therefore, the site as a whole meets this criterion.

Wetland hydrology within the wetlands in the southeast field has been determined to be driven primarily by precipitation. The wetland delineation for the site says that transitional areas between wetland and non-wetland areas are only marginally considered non-wetland. Minor draining of these marginally non-wetland areas by shallow agricultural furrows could easily be eliminated through site grading combined with filling drainage ditches. Furthermore, the existing on-site mitigation was designed so that it contributes some surface flow to this area. We conclude that both current wetlands and marginally non-wetland areas within the southeast field can provide adequate wetland hydrology. Therefore, this criterion is met for the southeast field.

Wetlands within the north area and the southwest field currently exhibit adequate wetland hydrology, and, therefore, these areas meets this criterion.

4. *Site does not currently benefit from municipal infrastructure and urban services.*

The entire site can be served with sanitary sewer, electricity, road access, and municipal water with relative short extensions of nearby facilities. Therefore, we conclude that this criterion is not met for the entire site, and that it is not met for each of the sub-areas.

5. *Site is either larger than 15 acres or is contiguous with a waterway (stream) designated for protection on the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan.*

The tributary channels to Willow Creek, including the one on this site, are shown as protected waterways on Map 3 of the current West Eugene Wetlands Plan. The wetlands within all three sub-areas are hydrologically and geographically connected to this channel. In addition, the southeast field includes 18.5 acres of contiguous wetland, and the southwest field includes 26.3 acres of contiguous wetland. Therefore, we conclude that the wetlands within all three sub-areas meet this criterion, and the site as a whole meets this criterion.

D. Summary of Consistency with Adopted Criteria

The table below summarizes our analysis of how this site meets the criteria for Protection, Development and Restoration. The site is divided into three assessment sub-areas, which are depicted on Map 1, at the end of this document. The entire site is evaluated under the criteria, and each of the three sub-areas is evaluated individually for comparison.

Protect Standard #	Description	Whole Site	North Area	SE Field	SW Field
1	NR designation in Metro Plan	No	No	No	No

Protect Criterion #	Description	Whole Site	North Area	SE Field	SW Field
1	Rare species populations	No	No	No	No
2	100 Year Floodplain	No	No	No	No
3	Within 100 feet of protected waterway	Yes	Yes	Yes	Yes
4	Surface connection to protected wetland	Yes	Yes	Yes	Yes
5	Habitat diversity	Yes	No	Yes	Yes
6	Unique environmental characteristics	Yes	No	Yes	Yes
7	Contains wet prairie	Yes	No	Yes	Yes
Total Protection Criteria Met (out of 7)		**5**	**2**	**5**	**5**

Develop Standard #	Description	Whole Site	North Area	SE Field	SW Field
1	Valid Corps and DSL fill permits	No	No	No	No

Develop Criterion #	Description	Whole Site	North Area	SE Field	SW Field
1	Isolated or disconnected from system	No	No	No	No
2	Has roads, sewers, water	Yes	Yes	Yes	Yes
3	Adjacent to/surrounded by development	Part	Yes	No	No
4	Major street frontage	Yes	Yes	No	No
5	Unique economic characteristics	Yes	Yes	Yes	Yes
6	Cannot be protected in perpetuity	No	No	No	No
Total Development Criteria Met (out of 6)		**4**	**4**	**2**	**2**

Restore Criterion #	Description	Whole Site	North Area	SE Field	SW Field
1	Permit required mitigation site	Part	No	Part	No

Restore Criterion #	Description	Whole Site	North Area	SE Field	SW Field
1	Hydric soils	Yes	Yes	Yes	Yes
2	Disturbed Ag or previous wetland	Part	Yes	Yes	No
3	Wetland hydrology	Yes	Yes	Yes	Yes
4	Lacks infrastructure	No	No	No	No
5	Larger than 15 acres or contiguous with protected waterway	Yes	Yes	Yes	Yes
Total Restoration Criteria Met (out of 5)		**4**	**4**	**4**	**3**

No part of the site meets the Protection or Development Standards, and a portion of the site meets the Restoration Standard. Therefore, it is appropriate to apply the Protection and Development Criteria to the portion of the site that does not meet the Restoration Standard. The site as a whole meets five of seven Protection Criteria, four of six Development Criteria, and four of five Restoration criteria. With high values for both Protection and Development, it is appropriate to also consider the Restoration Criteria. Given the high Protection and Development values, the criteria indicate that some of the site should be designated for Development and some of the site should be designated for Protection. With varying levels of wetland quality and varying habitat types, it is also appropriate to consider the Restoration designation for some of the wetlands on the site.

The wetlands in the "north area" do not meet any of the three standards, which means it is appropriate to evaluate these wetlands against the criteria for Protection and Development. These wetlands meet two of seven Protection criteria, and four of six Development criteria. With relatively high development values, and relatively low protection values, this area is most appropriate for the Development designation, and the Restoration criteria do not need to be applied to this area. Therefore, the Development designation for the "North Area" wetlands is consistent with the adopted wetland designation criteria.

The wetlands in the southwest field do not meet any of the standards, which means it is appropriate to evaluate this area against the criteria for Protection and Development. The southwest field meets five out of the seven Protection criteria and two of the six Development criteria. With relatively high protection values, and relatively low development values, the Restoration criteria do not need to be applied to this area. The southwest field is less disturbed than the southeast field, and meets fewer of the Restoration criteria. It has relatively high

protection values and relatively lower development values. Therefore, the Protection designation for this area is most consistent with the adopted wetland designation criteria.

A portion of the southeast field meets the Restoration Standard, and must be designated for Restoration. The remaining portions of the southeast field do not meet any of the standards, which means it is appropriate to evaluate this area against the criteria for Protection and Development.

The southeast field is a large, relatively flat area, with existing industrial development several hundred feet away, and with urban services and partial frontage on a major street. It is designated for special light industrial use, a designation currently in relatively short supply.

The southeast field has several important environmental characteristics:

- It has both disturbed wetlands and wet prairie habitat of at least moderate quality.
- It is hydrologically and geographically connected with both Willow Creek and the wetlands in the Willow Creek Natural Area.
- It provides a connective corridor for wildlife use between the hillside oak savanna habitat to the west and the Willow Creek Natural Area.
- It functions as part of the larger block of habitat that includes the Willow Creek Natural Area, and provides a large buffer between the Natural Area and existing development on the Hyundai site.
- It provides open grassland habitat for species that require this kind of habitat

These environmental values are related in large part to the site's proximity to the Willow Creek Natural Area, which is acknowledged as the most important and valuable wetland area in the region.

The southeast field area meets 2 of 6 Development criteria. According to the adopted criteria for Development, the area has some important Development values, but lacks several characteristics used to identify sites appropriate for Development. This area meets five of the seven Protection criteria and four of the five Restoration criteria. According to the adopted criteria, this area has high Protection values and Restoration values. This analysis shows that the Protection/Restoration values of the southeast field are higher than the development values.

A portion of the southeast field is a permit-required on-site mitigation area. This area meets the Restoration Standard, and must be designated for Restoration. Although the remainder of the southeast field meets the majority of the Protection Criteria, the dominant character of the southeast field distinguishes it from the southwest field, and from other sites recommended or designated for Protection. The dominant character of the southeast field is shaped by the hydric soil pattern, the past agricultural manipulation of the area and the adjacent mitigation site. Less than half of the wetlands in this area are of moderate to high quality, and most of the site will require some level of restoration or enhancement in order to function as high quality wetland. This is in contrast to areas recommended for or designated for Protection, whose dominant

character is existing high quality wetlands, on which small areas may need restoration or enhancement. The non-wetland areas within the southeast field have hydric soils and are only marginally non-wetland, which makes these areas suitable for restoration as well. These characteristics make the southeast field more appropriate for the Restoration designation than the Protection designation. Therefore, the Restoration designation for the southeast field area is consistent with the adopted wetland designation criteria.

IV. Analysis of Wetland Designations for the Hyundai Site Against Approval Criteria for Refinement Plan Amendments

Section 9.145(2) of the Eugene Code gives the criteria used to determine whether a proposed plan amendment should be approved or not. The proposed amendments must be consistent with the criteria in section 9.145(2) to be approved. The analysis below addresses the following wetland designations: (1) Development designation within the "north area" as shown on Map 1, (2) Protection Designation within the "southwest field" as shown on Map 1 and (3) Restoration designation within the "southeast field" as shown on Map 1.

It is important to recognize that when considering one specific site, meeting each Metro Plan policy fully on that site may be impossible. For instance, if policies call for both protection of wetlands and preservation of potential expansion areas for existing industry, doing both completely on that one site may be impossible, if the only area for expansion is also a wetland. In such cases, it is necessary to evaluate the proposal on how it meets the body of policy as a whole, rather than base the decision on one or two particular policies.

The Eugene Code sections which include the approval criteria for refinement plan amendments are shown in ***bold, italicized text***, followed by applicable findings.

Section 9.145 (2) "The planning commission shall review the proposed amendment and receive evidence, and decide whether the proposed change is consistent with the following approval criteria: (a) The plan amendment is consistent with the Metropolitan Area General Plan";

A. Metro Plan Policies

This section analyzes the site against applicable goals and policies of the Metropolitan Area General Plan. Listed below are Metro Plan policies used in the analysis of the amendments in the March 19, 1996 staff report to the planning commissions. These are all of the Metro Plan policies we conclude apply to this refinement plan amendment proceeding. Not all these policies apply to site designations, as is stated where appropriate below.

> Policy 1, page III-B-4: "Demonstrate a positive interest in existing and new industries, especially those providing above average wage and salary levels, an increased variety of job opportunities, a rise in the standard of living, and utilization of our existing comparative advantage in the level of education and skill of the resident labor force."

The proposed designation for the Hyundai site includes allowing development within wetlands in the "north area" as shown on Map 1. As in the West Eugene Wetlands Plan as a whole, the recommendation for this site aims to protect the most important wetland areas while allowing development within the less valuable wetlands. This proposed designation has allowed significant development on the site as a whole, and leaves additional land for expansion. The framework of the West Eugene Wetlands Plan facilitated Hyundai's receipt of a permit to fill wetlands within the phase 1 and 2 areas. Without a very specific development proposal, it is not possible to evaluate the impact of the wetland designations for the Hyundai site on jobs with certain characteristics, such as those mentioned in Policy 1 above. However, taken in whole, the recommendation for this site recognizes the value of economic development and job creation, though it does not maximize either, in part because they are balanced against other values on the site.

> Policy 5, page III-B-5: " Provide existing industrial activities sufficient adjacent land for future expansion."

The designation of wetlands within the "north area" for Development provides land for future expansion of Hyundai's current facilities on the site. Therefore, this amendment is consistent with Policy 5, above.

> Policy 18, page III-B-6: "Encourage the development of transportation facilities which would improve access to industrial and commercial areas and improve freight movement capabilities by implementing the policies and projects in the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) . . . "

None of the proposed designations for the Hyundai site would conflict with any proposed future transportation projects needed to serve industrial and commercial uses in the area. We conclude, therefore, that the proposed designation for the site, including the Restoration designation for the southeast field, is consistent with the above policy.

> Policy 18, page III-C-9: "Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas."

Policy 18 directs the local jurisdictions to adopt policy and develop programs to protect wetlands and waterways. It also provides direction about what values to consider when determining which wetlands to protect: scenic quality, surface and groundwater quality, forest values, vegetation, and wildlife values. Policy 18 does not direct the City to protect all wetlands. The wetland designations for the Hyundai site include Protection or Restoration of most of the wetlands on the site, while allowing the lower quality wetlands to be filled. Some lower quality wetlands on the site have already been displaced by the development of phase 1.

Development on this site has already had significant impacts on scenic quality in the Willow

Creek basin. Perhaps the most notable impacts are those upon the passive recreational users of the Willow Creek Natural Area. The Nature Conservancy has been involved in managing wetlands there as an ecologically important open space since 1981. Large-scale development within the southeast field would have greater impacts on scenic quality than the current construction because it would be much closer to the Willow Creek Natural Area, and the scale of development could be larger than the existing development as well. Designating this area for Restoration would help prevent the loss of scenic quality, which is consistent with Policy 18.

Development of phases 1 and 2 has had temporary negative impacts on surface water quality, as evidenced by Hyundai's violations of water quality permits and subsequent fines. Information in the record states that runoff from the southeast field and the recent mitigation project area contribute the clearest (least turbid) water from the site to Willow Creek. Designating the southeast field for Restoration would help protect these sources of clear runoff to Willow Creek, which is consistent with Policy 18.

It appears that neither forest values nor groundwater quality would be significantly changed based on the designation of the site alone, unless development led to chemical leaks on the site. It is unclear at this time to what extent a chemical spill would infiltrate into the groundwater, since no such analysis of soil structure and properties has been entered into the record.

Vegetation within protected wetlands would be preserved, while vegetation within areas designated for Restoration could be enhanced by removal of nonnative species and introduction of additional native species. Information in the record makes it clear that at least 4 acres of native wet prairie habitat are within the southeast field. Since native wet prairie is a very rare plant community (less than 0.25% of the historical extent remaining), we conclude that Protection and Restoration of wet prairie habitat would be consistent with this policy element. Designating the southeast area for Restoration would promote protection of native vegetation.

The significance of this site as wildlife habitat is related to several factors: the size of its open space, the presence of prairie habitat, its location in the landscape between oak savanna hilltops and the Willow Creek Natural Area, the presence of both seasonal and permanent water features, its surface water connection with Willow Creek and the presence of a variety of plant communities close to one another.

Some wildlife species require relatively large expanses of prairie (grassland) habitat (e.g., raptors, Western meadowlark). Significantly reducing the size of the prairie habitat could effectively displace these species. Although studies have shown that some larger mammals will only use an area as a travel corridor if it is sufficiently wide, little is known about the travel corridor needs of most wildlife species. Since this site provides a prairie habitat connection between the Willow Creek Natural Area to the east and the oak savanna habitat to the west, it provides an alternative to nearby forested corridors and contributes to the diversity of habitat in these corridors. Other things being equal, as the corridor gets narrower, less wildlife and fewer species will use it, and conversely, the wider it is, the more wildlife use it will get.

The Hyundai site as a whole has seasonal wetlands, seasonal drainage channels and a permanent pond. All these water features are valuable to wildlife using the area. The permanent pond in the area proposed for Protection is important to a wide range of mammal species because it provides a source of drinking water during the dry season. The seasonal wetlands provide critical habitat for amphibious species and species adapted to seasonally wet areas.

For wildlife habitat, the most important edge areas are probably those where the oak savanna and ash forest habitat borders the more open prairie habitat. These "edges" (or eco-tones) are west of the southeast field.

The overall wildlife habitat value of the area would be significantly diminished by significantly narrowing the width of the corridor and displacing a large area of prairie habitat. Before construction of phase 1, the corridor on the Hyundai property was approximately 1,900 feet wide according to maps submitted by Hyundai as part of its mitigation project. After completion of phase 1, the corridor was approximately 1,600 feet wide. After development allowed by these amendments, the corridor could be as narrow as 900 feet wide.

We conclude, based upon the contribution to scenic value, water quality, vegetation and wildlife habitat of the wetlands within the southeast field, that the proposed designations for the site, including the Restoration designation for the southeast field, is consistent with the above policy.

> Policy 19, page III-C-9: "Local governments shall develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan Update."

This policy applies generally to the West Eugene Wetlands Plan, but not specifically to application of the Plan to any single property. Since the amendments, including the proposed designations for the Hyundai site, further the implementation of the West Eugene Wetlands Plan, which provides local controls and protection and management of wetlands areas, the proposed designations for the Hyundai site are consistent with this policy.

> Policy 27, page III-C-10: "Local governments shall encourage further study by specialists of endangered and threatened plant and wildlife species in the metropolitan area."

Every existing rare plant site provides an opportunity for study of rare plants on a unique site. The wetland designations on the Hyundai site leave significant populations elsewhere for possible study and would preserve all known rare plants on the site. We thus conclude that the proposed designation would be consistent with this policy.

> Policy 28, page III-C-10: "Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input."

The above Metro Plan policy does not make a distinction regarding the number of rare plant

species, nor what number of plants makes a viable population or whether the plants produce seed. Two individual state-listed endangered plants listed have been found on the site, and both are within areas proposed for Restoration. The Metro Plan policy clearly calls for protection of state-listed plant species. The notice and opportunity for public participation have been provided by the West Eugene Wetlands Plan amendments adoption process. We conclude that the proposed designation for the site, including the Restoration designation for the southeast field, which contains all of the known rare plant species, would provide adequate protection for state-listed rare plants and is therefore consistent with the above policy.

> Policy 29, page III-C-11: "Local governments shall work with owners of designated environmentally-sensitive areas to require that reasonable actions are taken to protect these lands, e.g., the heronry at the confluence of the Willamette and McKenzie Rivers and the site of the Aster curtus in the Willow Creek Basin."

This policy guides city action for sites that have already been designated environmentally sensitive, rather than providing guidance for which areas to designate so. We conclude, therefore, that the above policy does not bear upon this decision.

> Policy 2, page III-E-3: "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental and energy consequences in the design and construction of urban development and landscaping shall be utilized to enhance those natural features."

This policy calls for a balancing of economic and social considerations with environmental ones, with the emphasis on protecting natural vegetation, natural water features and drainageways in evaluating design, construction and landscaping for proposed development. The decision here is not one of evaluating a site design, but determining the broad suitability of a wetland area for Development, Restoration or Protection. So, although the site contains both natural vegetation and a natural water feature (wetland), we conclude that this policy is not intended to apply to this situation.

The economic and social impacts of protecting this area are uncertain. Presently, projections about both benefits and liabilities stemming from future development of this site are unsubstantiated projections, and are not considered as evidence upon which to base the wetland designation decision. With limited information available about how the site might be developed, it is unclear how to evaluate the potential benefits and liabilities of future development on this site.

Section 9.145(2)(b) "The plan amendment is consistent with remaining portions of the refinement plan";

The findings below address consistency of these amendments with Goals and Policies in the West Eugene Wetlands Plan.

B. WEWP Goals

The West Eugene Wetlands Plan contains the following applicable Goals (related findings follow each Goal). These broad goals apply to the plan as a whole. The Plan says that goals are "broad statements of philosophy and are adopted by the City Council and Lane County Board of Commissioners. They may never be completely attainable, but they describe the hopes of the people and help establish direction (preface, page x)."

Goal 3.1 "Protect and enhance water quality, wildlife habitat, flood storage sediment and toxicant removal and other wetland functions and values."

The wetlands within the southwest field and the southeast field provide water quality benefits, wildlife habitat, flood storage and other values already described above. Designation of these wetlands for Protection and Restoration will retain these current values and eventually facilitate increasing those values if further mitigation takes place. Protection and Restoration of these areas ensures that the areas contributing most to the water quality, wildlife habitat and rare plant habitat values are protected. These areas would be preserved, while wetlands in the "north area" would be allowed to be developed. Therefore, the wetland designations for the Hyundai site are consistent with Goal 3.1.

Goal 3.2 "Minimize economic hardship on private property owners due to protection of wetlands and other valuable environmental resources."

Where wetlands occur on privately owned land, economic hardship of wetland protection can be reduced or minimized in several ways. One way is to allow the least valuable wetlands to be developed while ensuring that the quality of the remaining wetlands is not compromised. Another way is public acquisition of the protected wetlands, with subsequent public maintenance and management.

Economic hardship is generally held to be loss of potential or actual profit. If defined this way, such hardship cannot be completely avoided if valuable wetlands are to be protected. The designation of the least valuable wetlands for Development is an attempt to minimize the economic hardship of wetland protection on the property owner. The wetlands designated for Protection and Restoration would be eligible for acquisition under the West Eugene Wetlands Acquisition program administered by the Bureau of Land Management. Such acquisition would also help to minimize economic hardship.

Although we acknowledge that economic hardship would be further minimized if Hyundai was allowed to develop more of the site, we conclude that the designation of the site as a whole, including both wetlands to be protected or restored and wetlands to be developed, reflects an effort to reduce the economic hardship on the property owner. Therefore, these amendments are consistent with Goal 3.2.

Goal 3.3 "Minimize adverse impacts to protected wetlands from adjacent development."

Generally, development adjacent to wetlands will have some level of adverse effect upon the wetlands or the wildlife that use them. Common impacts include stormwater runoff pollution, litter, noise, human activity that disturbs wildlife, lights that shine into wildlife habitat areas at night, air pollution and chemical spills. These impacts can be minimized through code-required setback requirements adjacent to protected wetlands, through stormwater regulations and through development controls applied as part of the land development process. Lands adjacent to wetlands designated for Protection in the West Eugene Wetlands Plan are rezoned following designation to put in place requirements for protective setbacks.

In designating all of the wetlands in the southeast and southwest fields for Restoration and Protection, the Council has minimized the potential impacts from new development on the Hyundai site on Eugene's most valuable wetland area. The Nature Conservancy has submitted inventory data showing substantial populations of the state-listed endangered plant *Erigeron decumbens* var. *decumbens* in the field immediately east of the Hyundai property. We conclude that designation of the southeast field for Restoration would provide an effective buffer between Hyundai's development and the Willow Creek Natural Area, and therefore is consistent with Goal 3.3.

The public record on this item includes testimony asserting that there may be impacts to sensitive or rare species on the Willow Creek Natural Area from new development on the Hyundai site, and that expansion of Hyundai's facilities could imperil the wetlands designated for Restoration in the southeast field through air pollution, surface or groundwater pollution or through accidental spills. Given the information in the record, these projected impacts cannot be properly characterized or evaluated at this point. Furthermore, given that the wetland designation criteria do not address these types of impacts, these assertions about possible future impacts do not bear directly on the decision of how to designate a particular wetland. To date, no adverse impacts to sensitive species, rare species or other native wetland plants or animals has been documented from Hyundai's current operations. Since any Hyundai expansion is likely to utilize the latest emerging technology, it is not possible at this time to forecast what pollutants would be released in what quantities, nor what impact they would have on nearby plant and animal populations.

It is not correct to assume that simply protecting more wetlands on the Hyundai site will protect the Willow Creek Natural Area from air pollution, water pollution or accidental spills from existing or future adjacent uses, since existing development or new development on previously approved development sites could lead to these kinds of impacts.

Protection of adjacent wetlands from air and water pollution impacts or accidental spills will be primarily dependent upon the design and construction of a new facility, its safety and environmental programs and equipment and how carefully the facility is operated. None of these factors can be controlled by a wetland designation decision.

Goal 3.5 "Protect and expand current populations and habitats of rare plants and animals that currently exist in west Eugene."

Though small in numbers and extent, the existing *Erigeron decumbens* var. *decumbens* plants would be protected and given an opportunity to expand within the Restoration area. With proper management, it is reasonable to assume that the population could expand given the presence of suitable soils and hydrology. A Restoration designation for the southeast field is consistent with this goal.

Goal 3.6 "Achieve state and federal requirement of 'no net loss' of wetlands in both quantity (area) and quality (functions and values)."

"No net loss" can be pursued through a combination of avoiding wetland impacts where possible, and replacing those low quality wetlands where development values outweigh the environmental and social values of the wetlands. The West Eugene Wetlands Plan acknowledges that higher quality wetlands and more rare habitat types are more difficult to replace through mitigation. This acknowledgment is shown in the mitigation replacement ratios, in which wet prairie has the highest replacement ratio. The West Eugene Wetlands Plan has also placed a priority on protecting wet prairie habitat, under the premise that protection is the most effective way to prevent loss of the values associated with this rare habitat type. The recommendation to protect and restore most of the wetlands on the Hyundai site, with the requirement to replace through compensatory mitigation those lower quality wetlands designated for development, is consistent with this goal.

Goal 3.7 "Protect an interconnected system of wetlands within a sustainable, ecologically sound system, with a high likelihood of long-term survival."

In the West Eugene Wetlands Plan, wetlands are not evaluated as isolated elements, but in the context of how they fit into the larger system. The proposed designations for the Hyundai site, including wetlands designated for Development, Protection and Restoration, adequately addresses conservation of the contribution of this site to the overall wetland system. These designations preserve the prairie corridor that connects the oak savannah to the west with the Willow Creek Natural Area to the east, as well as the hydrologic connection with Willow Creek. Therefore, the current recommendation is consistent with Goal 3.7.

Goal 4.3 "Achieve compliance with federal and state wetland law, policies and guidelines."

The WEWP amendment process is consistent with state and federal wetland law, policies and guidelines. The West Eugene Wetlands Technical Advisory Committee has reviewed the proposed amendments on several occasions and provided comments. The TAC is comprised of staff representatives from DSL, DEQ, the Army Corps of Engineers, US Fish and Wildlife, and EPA. TAC member agencies have also submitted written testimony into the record. We find nothing in the proposed designations for the Hyundai site that is inconsistent with state or federal laws, policies or guidelines. Therefore, the current recommendation is consistent with Goal 4.3.

Goal 4.4 "Increase certainty in the development process."

The West Eugene Wetlands Plan increases certainty in the development process by 1) facilitating mapping of wetland boundaries and 2) by determining before the state and federal individual permitting process which wetlands are the most valuable and in need of protection and which are least valuable and suitable for fill and development. The Plan attempts to achieve certainty through providing clear direction about where wetlands exist and where and how development of wetlands can take place. Certainty for developers has not been presented as a guarantee that all owners can develop their wetlands. With the wetlands on the site mapped, the designation of this site, once given final approval, will clarify which areas can be developed and which cannot. We find this outcome to be consistent with Goal 4.4.

Goal 4.5 "Minimize reductions to the existing industrial and commercial buildable lands inventory as a result of wetland protection."

Wetlands on the Hyundai site designated for Restoration or Protection comprise approximately 47.7 acres. This land is designated for campus industrial use (special light industrial) in the Metropolitan Area General Plan. Due to the complex pattern of uplands and wetlands in the southeast field, it is highly likely that little or no development could occur in the narrow upland areas between the wetlands or in the upland areas surrounded by wetland. Adding these restricted areas, the net impact on the industrial land supply would be to remove 51.2 acres. This represents a reduction in the overall supply of industrial land of 1.4%, leaving 3,553.1 acres of inventoried industrial land unaffected by these refinement plan amendments. This represents a supply that is 2,381.1 acres more than the maximum projected twenty-year demand for 1,172 acres. To date, no separate analysis has been conducted to calculate the projected demand for special light industrial land. Instead, projected demand has been calculated for medium-light industrial land and special-light industrial land together. No citywide or metropolitan-wide analysis has been done since 1993 of the demand for or supply of industrial land.

The impacts of reductions to the buildable lands inventory resulting from these amendments are analyzed separately in a statement of findings in Exhibit B. These findings are necessary to determine consistency with Statewide Planning Goals.

The Development designation on wetlands within the "north area" is an attempt to minimize reductions to the industrial land inventory. While allowing additional development would go further in that respect, we find that the proposed designations for the site are consistent with the intent of Goal 4.5.

C. WEWP Policies

The West Eugene Wetlands Plan contains the following policies that are applicable to a decision about how to designate a new wetland site. Only those policies that provide direction on how to designate a wetland site are included. Related findings follow each policy. The Plan states that "policies provide the basis for consistent action to move the community toward its goals. Policies are adopted by the City Council and Lane County Board of Commissioners. These polices are

used to evaluate actions relative to the Plan (preface, page x)."

Policy 3.8 "Establish, maintain and protect physical and hydrologic linkages between protected wetlands and adjacent transitional and upland wildlife habitat and natural areas."

As discussed above under Goal 3.7, restoration of wetlands within the southeast field and protection of wetlands within the southwest field would maintain an effective linkage between the oak savanna uplands to the west and the Willow Creek Natural Area to the east. We find that the proposed designation of the southeast field for Restoration, with the proposed designation of Protection for the southwest meadow, provides a linkage that is consistent with Policy 3.8.

Policy 3.9 "Protect and enhance the quality, functions and values of natural and human-made waterways that are interconnected with wetlands."

The Hyundai site has human-made hydrologic features that are interconnected with wetlands in the southwest meadow, in the southeast field and in the Willow Creek Natural Area to the east. We conclude that Protection of the southwest field, Restoration of wetlands within the southeast field, and enhancement of the east-west ditch would protect the quality, functions and values of these waterways. Therefore, wee conclude that the wetlands designations for the site are consistent with Policy 3.9.

Policy 4.1 "Mitigation efforts shall help to reestablish a connected system of wetlands, waterways and upland resources."

The Restoration designation is aimed at identifying lands where mitigation can be successfully conducted and where doing so will greatly benefit the overall wetland system. Restoration of wetlands within the southeast field would allow reestablishment of wet prairie where it historically existed adjacent to existing remnant wet prairie habitat. We conclude that the designation of the southeast field for Restoration is consistent with Policy 4.1.

Policy 4.3 "Mitigation efforts shall concentrate on restoring wetland type, habitat, functions and values that represent the historic ecological landscape of the Amazon Creek basin."

Most of the historic wetlands on the valley floor of the Willamette River valley were wet prairie wetlands. These seasonally wet prairies comprised approximately 400,000 acres in the valley. Designating the southeast field for Restoration and the southwest field for Protection would enhance the chances of restoration of the wet prairie habitat on the site, where existing wet prairie provides a natural seed bank. We conclude that designation of the southeast field for Restoration is consistent with Policy 4.3.

The following sections address the remaining Eugene Code approval criteria for refinement plan amendments.

Section 9.145 (2)(c) "The plan amendment is found to address one or more of the following: 1. An error in the publication of the plan;

Not applicable.

Section 9.145 (2)(c) 2. "A change of circumstances in a substantial manner not anticipated in the plan";

Not applicable.

Section 9.145 (2)(c)3. "Incorporation into the plan of new inventory material which relates to a statewide goal; or"

The amendment involving the Hyundai site incorporates new wetland inventory information into the West Eugene Wetlands Plan. Therefore, the amendments meet this criterion. Wetlands relate to Statewide Planning Goal 5. The Goal 5 requirements for this site are addressed through the state Wetland Conservation Plan process rather than through the Goal 5 process, as provided for in ORS 196.684.

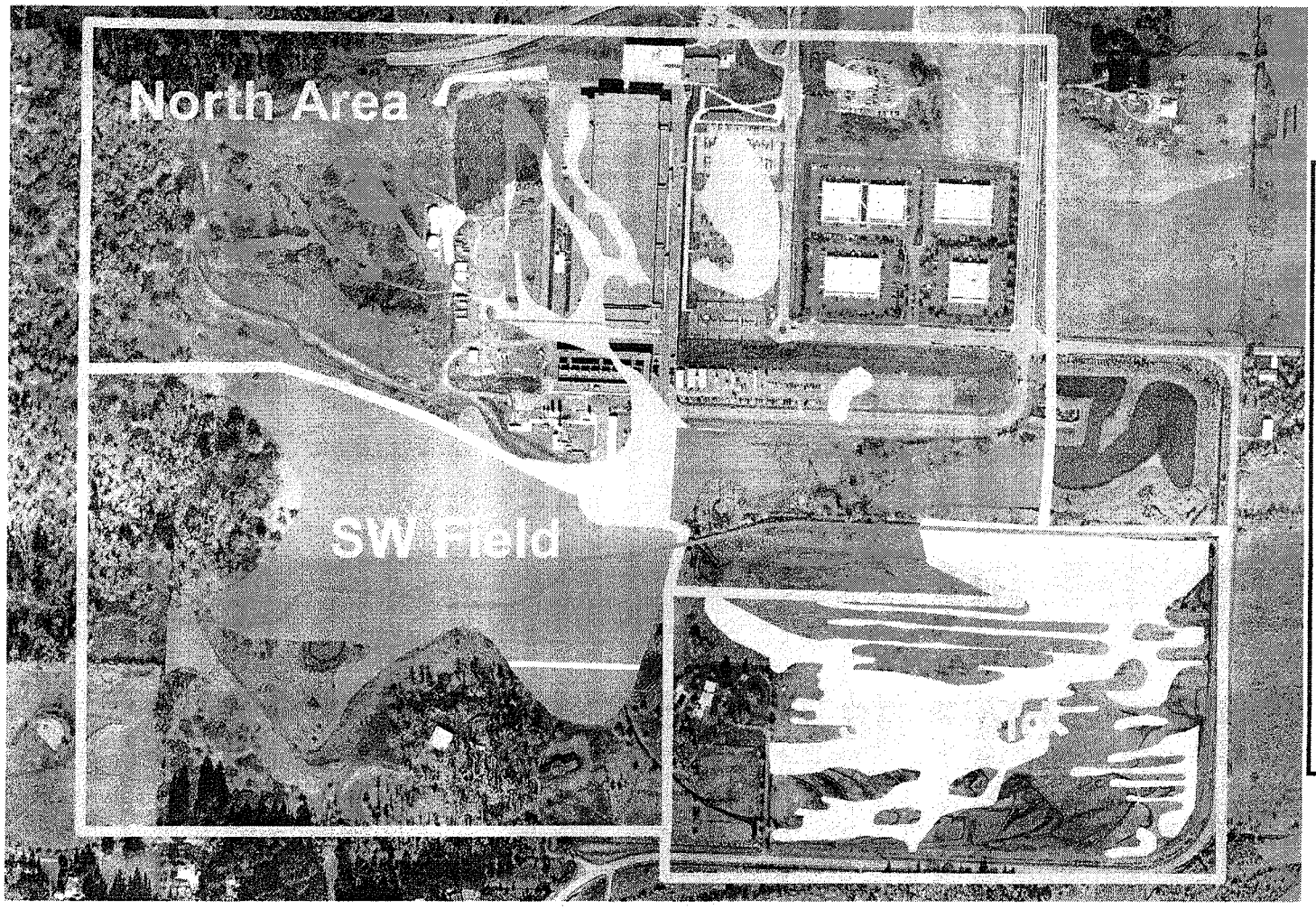
Section 9.145 (2)(c) 4. "A change in public policy."

Not applicable.

D. Summary of Consistency with Approval Criteria

The above analysis has shown that the proposed designations for the Hyundai site are consistent with the policies in the Metro Plan and with the applicable policies in the West Eugene Wetlands Plan. It is clear that those policies in both documents that call for supporting economic growth, providing land for industrial expansion, minimizing economic hardship, and minimizing reductions to industrial land supply would be more strongly met if more of the site was allowed to develop. Conversely, the policies that call for protection of wetlands, waterways, wildlife habitat, water quality, rare plant populations and interconnectedness between important habitat features would be more strongly met if more of the site were protected. On balance, the designations for the Hyundai site provide both significant development opportunities and protection of valuable wetlands, and are therefore consistent with the balancing of these values in the goals and policies in the Metro Plan and the West Eugene Wetlands Plan.

Analysis Areas for Hyundai Site



Map 1

Legend

- East-West Ditch
- Analysis Areas

Wetlands - Proposed Status
- Protect
- Restore
- Develop (future fill)
- Planned trans. corridor
- Utility corridor
- Undesignated
- Previously filled

N
W E
S

0 1000 2000 Feet

COUNCIL ORDINANCE NUMBER 20208

COUNCIL BILL NUMBER 4647

AN ORDINANCE AMENDING THE WEST EUGENE WETLANDS PLAN BY ADOPTING NEW AND REVISED WETLAND DESIGNATIONS FOR SITE H2, REFERRED TO AS THE SPEEDWAY SITE, AND RELATED POLICY AND TEXT AMENDMENTS; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

DATE SUBMITTED: September 11, 2000

PASSED: 6/0

ABSENT: Farr, Meisner,

OPPOSED:

REJECTED:

ABSTAINED:

DEFERRED TO:

FIRST READING: September 11, 2000

SECOND READING: September 11, 2000

ORDINANCE NO. 20208

AN ORDINANCE AMENDING THE WEST EUGENE WETLANDS PLAN BY ADOPTING NEW AND REVISED WETLAND DESIGNATIONS FOR SITE H2, REFERRED TO AS THE SPEEDWAY SITE, AND RELATED POLICY AND TEXT AMENDMENTS; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

The City Council of the City of Eugene finds that:

A. On May 20, 1992, the Eugene City Council adopted Ordinance No.19853 adopting the West Eugene Wetlands Special Area Study, a refinement plan to the Eugene-Springfield Metropolitan Area General Plan, subsequently amended in part by Ordinance No. 19867 adopted by the City Council on August 10, 1992.

B. On March 6, 1995, the Eugene City Council adopted Ordinance No. 20002 amending the West Eugene Wetlands Special Area Study and changing the name to the West Eugene Wetlands Plan.

C. The City of Eugene has initiated additional amendments to the West Eugene Wetlands Plan to amend Plan policies and text, and to adopt wetland designations for certain properties located within the Plan boundary.

D. On March 19, 1996 the Eugene Planning Commission conducted a joint public hearing with the Lane County Planning Commission on draft amendments to the West Eugene Wetlands Plan.

E. On May 6, 1996 and on May 5 and May 12 and December 8, 1997, the Eugene Planning Commission voted to recommend approval of amendments to the West Eugene Wetlands Plan. On June 4, 1996 and on September 16 and December 16, 1997, the Lane County Planning Commission voted to recommend approval of these amendments to the West Eugene Wetlands Plan to the Lane County Board of Commissioners.

F. On February 18 and April 8, 1998, the Eugene City Council conducted a joint public hearing and a joint work session with the Board of County Commissioners of Lane County on amendments to the policy and text of the West Eugene Wetlands Plan.

G. On May 20, 1998 the Eugene City Council adopted Ordinance No. 20119 amending the West Eugene Wetlands Plan to establish new Planned Transportation Corridor and Utility Corridor wetland designations, and on February 22, 1999, adopted Ordinance No. 20147 adopting Planned Transportation Corridor wetland designations for City of Eugene properties located within

the West 18th and West 11th Avenue road improvement projects. On June 24, 1998 the Board of County Commissioners adopted Board Ordinance No. PA 1117 amending the West Eugene Wetlands Plan to establish new Planned Transportation Corridor and Utility Corridor wetland designations and, on April 21, 1999, adopted Board Ordinance No. PA 1129 adopting Planned Transportation Corridor wetland designations for City of Eugene properties located within the West 18th and West 11th Avenue road improvement projects.

H. On July 8, 1998 the City Council adopted Ordinance No. 20126 amending the West Eugene Wetlands Plan by adopting new or revised Plan policies and revising Plan text. On November 10, 1998, after deleting policies related to criteria for protection, development and restoration, the Board of County Commissioners adopted Board Ordinance No. PA 1106, which adopted the other policy and text amendments of Ordinance No. 20126. The Board of County Commissioners and the Eugene City Council established the Council/Board Committee on West Eugene Wetlands Policy Amendments to review alternatives and prepare a joint recommendation to the Board and the Council on amendments to the West Eugene Wetlands Plan criteria for protection, development and restoration.

I. On August 4, 1999, the Eugene City Council and Lane County Board of Commissioners held a joint public hearing on the proposed wetland designation criteria recommended by the Council/Board Committee. On October 11, 1999, the Eugene City Council adopted Ordinance No. 20171, amending Ordinance No. 20126 and adopting new and revised Plan policies related to the criteria for wetland designations. The Board of County Commissioners adopted Board Ordinance No. PA 1133 adopting the new and revised Plan policies on November 23, 1999.

J. On April 12, 2000, the Eugene City Council and Lane County Board of Commissioners held a joint public hearing on wetland site designation amendments, text and policy amendments related to specific sites, and a policy amendment related to wetland mitigation replacement ratios.

K. Evidence exists within the record that the proposal meets the requirements of Chapter 9 of the Eugene Code, 1971 and the requirements of applicable state and local law as described in the findings adopted in support of this Ordinance.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The West Eugene Wetlands Plan, as adopted by Ordinance No. 19853 and amended by Ordinance No. 19867, Ordinance No. 20002, Ordinance No. 20119, Ordinance No. 20126 (as amended by Ordinance No. 20171), Ordinance No. 20147 and Ordinance No. 20171, is further amended as set forth in attached Exhibit A incorporated by this reference as if fully set forth herein.

Section 2. The Eugene City Recorder, with the concurrence of the City Attorney and County Counsel, is authorized to administratively renumber any provisions of the West Eugene Wetland Plan (Plan) at the time the provisions adopted herein are incorporated into the Plan, and to correct any cross-references necessitated by the renumbering.

Section 3. Although not part of this Ordinance, the findings in attached Exhibits B and C are adopted in support of this Ordinance.

Section 4. Notwithstanding the provisions of the Eugene Charter of 1976, amendments to the West Eugene Wetlands Plan adopted by Exhibit A to this Ordinance shall not become effective until identical provisions are adopted by the Lane County Board of Commissioners.

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

Passed by the City Council this

11th day of September, 2000

City Recorder

Approved by the Mayor this

11th day of September, 2000

Mayor

Exhibit A
Site H2, Referred to as the Speedway Site

Wetland Designation Map Changes

Revise the Wetlands Designation Map (Map 3) for Site H2, referred to as the Speedway Site, as shown on the attached map.

Policy Amendment

69. Add a new policy:

    In cooperation with the property owner, the City shall pursue restoration of the current Eugene speedway site to provide a continuous corridor of protected habitat along Willow Creek.

Text Amendments

34. Update Conceptual Plan Map (was Map 4)

45. Update Appendix C, Wetland Value Criteria, as follows:*

    . . .

    High value wetlands to be protected include: . . . and H2 (portion).

    Moderate value wetlands to be protected include: ... [no change]

    These wetlands *[to be restored]* include: and H2 (portion) ."

* Please refer to Ordinance No. 20200 and Ordinance No. 20201 for other amendments. Text in italics is not included in the amendment.

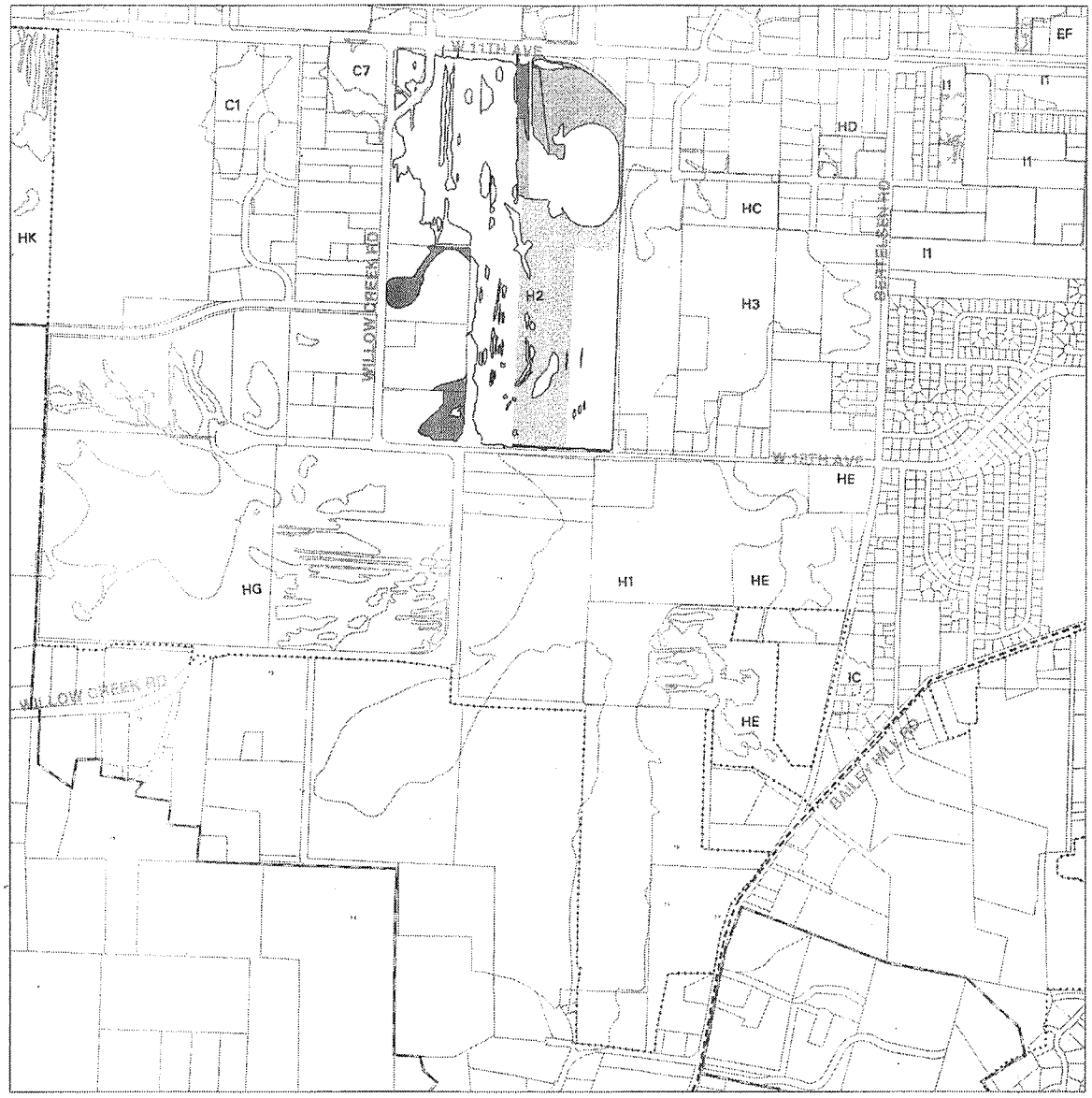


EXHIBIT A:

PROPOSED MAP AMENDMENTS FOR SITE H2

Proposed Wetland Designation Changes 8/28/00

LEGEND

WETLAND BOUNDARIES

WEST EUGENE WETLAND STUDY AREA BOUNDARY

PROPOSED WETLAND DESIGNATIONS:

- PROTECT
- RESTORE
- DEVELOP (FUTURE FILL)
- PL TRANSPORTATION CORRIDOR
- UTILITY CORRIDOR

CITY LIMITS

URBAN GROWTH BOUNDARY

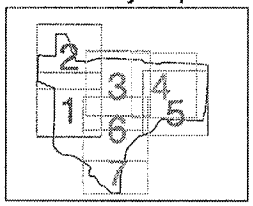
POTENTIAL WETLANDS

RAILROADS

PREVIOUSLY FILLED WETLANDS

Information shown on this map is of a generalized nature. In all cases, actual field conditions determine wetland boundaries. There may be unmapped wetlands subject to regulation. Some of the mapped wetlands have been screened as delineations for regulatory purposes. Waterways are shown schematically.

Vicinity Map



Vicinity Map Location: 6

Site: H2

Scale: 1 inch = 1000 feet

0 500 1000 feet

City of Eugene Planning and Development Department

NOTE: This map only displays wetland sites that are proposed for amendments in the current package of ordinances being forwarded to the elected officials.

SOURCES:
NW Inventory, 1988, Lane County GIS
Supplemental Inventory, 1995, Wetland Specialists, Inc.
City of Eugene, 1992
West Eugene Parkway Delineation, Scales Assoc., 1991-92
Private delineations accepted by DSL

Exhibit B

Findings of Consistency with Oregon Statewide Planning Goals

The Eugene-Springfield Metropolitan Area General Plan is a local comprehensive plan acknowledged by the state's Land Conservation and Development Commission, and the West Eugene Wetlands Plan is an adopted refinement plan to the Metro Plan. This document contains findings that address the consistency of the attached amendments to the West Eugene Wetlands Plan with applicable Oregon Statewide Planning Goals (City of Eugene File RA 96-001).

These amendments to the West Eugene Wetlands Plan will result in changes to existing locally adopted inventory information regarding three land use categories: natural resources, industrial and commercial lands, and residential lands. Accordingly, this analysis addresses Oregon Statewide Planning Goal 1 (Citizen Involvement), Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources), Goal 9 (Economic Development) and Goal 10 (Housing). Other Statewide Planning Goals are not specifically implicated by this ordinance. This document also contains analysis, findings and conclusions on the impacts of the amendments on the supply of industrial, commercial and residential lands in the Eugene-Springfield Metropolitan area. This analysis concludes that these refinement plan amendments are consistent with applicable Oregon Statewide Planning Goals.

These amendments are part of a series of amendments, the remainder of which are contained in two separate ordinances. Statewide Planning Goal findings similar to those contained in this Exhibit are also contained in the exhibits to the other two ordinances.

Background

The amendments analyzed herein are changes to the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan for a portion of wetland site H2, known as the Speedway site. This map applies one or more of several defined wetland designations to each inventoried wetland in the study area. Each designation and its effect on buildable lands is explained in general terms below.

Protection: This designation is applied to wetlands of exceptional value, and, coupled with state and federal wetland laws, has the effect of preventing fill, disturbance or development within wetlands so designated. Where this designation is applied to wetlands that were previously considered buildable, it is treated as a subtraction from the buildable lands inventory. Where this designation is applied to wetlands that were previously designated for restoration it is ignored in this analysis.

Restoration: This designation is applied to lower quality wetlands whose value is determined

primarily by their size, location and connectivity to other wetlands or waterways. These wetlands are very important to the functioning of the larger wetland and hydrologic system because of their place in the landscape and their potential to be rehabilitated into higher quality wetlands. Where this designation is applied to wetlands that were previously considered buildable, it is treated as a subtraction from the buildable lands inventory. Where this designation is applied to wetlands that were previously designated for protection it is ignored in this analysis.

Development: This designation is generally applied to wetlands that are highly disturbed, and isolated and have services available for urban levels of development. Where this designation is applied to a site that was previously not designated, it is treated as having no impact on the buildable land inventory. Where this designation is applied to a site that was previously designated either for restoration or protection, it is treated as an addition to the buildable lands inventory.

Planned Transportation Corridor: This designation is applied to areas previously designated for restoration or protection to allow needed roadway improvements. Since the application of this designation occurs only in non-buildable areas (i.e., wetlands designated for protection or restoration) and it only allows road improvements, it does not affect the buildable land inventory.

Utility Corridor: This designation is applied to areas previously designated for restoration or protection to allow necessary maintenance and repairs to existing utilities. It also would allow construction of new underground facilities under certain circumstances. Like the Planned Transportation Corridor above, this designation does not affect buildable lands except where it is applied to new wetland sites.

Goal 1 - Citizen Involvement

Statewide Goal 1 calls for local governments "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The planning and adoption process for these amendments has incorporated many opportunities for citizen involvement at all phases of the process as detailed below.

1. This process began with a wetland inventory project in 1993, for which all affected property owners were contacted to obtain permission for the study to be conducted on their property. Only properties where owners gave permission were included in an on-site study.

2. After the wetland inventory was completed, the results were presented at a public workshop held on December 11, 1993. All affected owners, and everyone on the West Eugene Wetlands Plan interested parties list (more than 800 people) were sent notices about the workshop.

3. After studying the new wetland inventory data and incorporating citizen

comments from the 1993 Workshop, a second workshop was held to present to the public preliminary staff recommendations for amendments to the West Eugene Wetlands Plan. This workshop was held on June 28, 1994 and notices were sent to all those that got the earlier notice plus any who requested to be on the mailing list.

4. A third public workshop was held on December 5, 1995 to present revised staff recommendations for amendments to the public. Again, notice was sent to all affected property owners and more than 900 interested parties. Citizen and agency comments from this workshop were incorporated into the staff recommendations forwarded to the Eugene and Lane County Planning Commissions.

5. On March 18, 1996, a public hearing was held before the Eugene and Lane County Planning Commissions regarding these amendments to the West Eugene Wetlands Plan. Notice was sent to all affected property owners, all owners and occupants within 400 feet of affected properties, affected neighborhood groups and more than 900 interested parties. Bright orange notices were posted next to each affected property regarding the hearing.

6. On December 17, 1997, a second public hearing was held before the Eugene Planning Commission and the Lane County Planning Commission regarding four specific plan amendments. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

7. On February 18, 1998 a public hearing was held before the Eugene City Council and the Lane County Board of Commissioners regarding amendments to the policies and text of the West Eugene Wetlands Plan. Notice was sent to all affected property owners and all who requested to receive notice, and all who participated in the Planning Commission proceedings. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

8. On April 12, 2000 a public hearing was held before the Eugene City Council and the Lane County Board of Commissioners regarding these amendments. Notice was sent out more than 20 days before the hearing. The amendments and supporting documents were posted on the City of Eugene's World Wide Web Homepage before the hearing.

We find that the opportunities for citizen involvement detailed above are beyond what is

necessary to achieve consistency with Goal 1.

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

The purpose of Goal 5 is to protect natural resources, and conserve scenic and historic areas and open spaces. In addition to the Goal, the Land Conservation and Development Commission has adopted an administrative rule to aid local government in achieving the requirements of the Goal. The original Goal 5 Rule, OAR 660, Division 16, was adopted in 1991; revisions to the Goal 5 Rule were adopted in 1996 as OAR 660, Division 23. The 1991 Goal 5 Rule continues to apply to post-acknowledgment plan amendments, such as the West Eugene Wetlands Plan amendments, initiated before September 1, 1996.

Goal 5 and the 1991 Goal 5 Rule focus on the process required to prepare a Goal 5 inventory and develop a program to achieve the goal on a site-specific basis, through preservation of a resource site; allowing conflicting uses and the loss of the resource; or mitigating negative impacts associated with the conflicting uses through partial protection.

Findings:

The West Eugene Wetlands Plan (WEWP) is an approved wetland conservation plan as defined in ORS 196.800(15). Approval for the existing plan as a Wetland Conservation Plan was granted by the Oregon Division of State Lands on September 13, 1994. ORS 196.684(8) specifies the relationship between Wetland Conservation Plan approval and compliance with Goal 5:

> "Wetland conservation plans approved by the Director of the Division of State Lands pursuant to ORS 196.668 to 196.692 shall be deemed to comply with the requirements of any statewide planning goals related to wetlands, other than estuarine wetlands, for those areas, uses and activities which are regulated by the plan." [See also, ORS 197.279]

Approval of the West Eugene Wetlands Plan by the Oregon Division of State Lands (DSL) as provided by law, satisfies all the requirements of any applicable statewide planning goal related to wetlands (including Goal 5) for those areas, uses and activities which are regulated by the plan.

The amendments clarify and further refine the WEWP. The findings of goal compliance made as part of initial adoption of the WEWP remain essentially unaffected by these amendments. Amendments to the West Eugene Wetlands Plan adopted in 1998 and 1999 to revise the wetland designation criteria and add new wetland designations for Planned Transportation Corridor and Utility Corridor have been acknowledged for compliance with Goal 5. The site designations in these amendments are consistent with those acknowledged criteria, as outlined in Exhibit C to this ordinance.

Plan policy and text changes do not significantly alter the function, design and structure of the

WEWP. The fundamental program developed for Goal 5 compliance essentially remains unchanged. The policies and criteria of the WEWP operate as a tool to further Goal 5 compliance by assisting in determining the significance of wetland resources, the conflicts and the economic, social, environmental and energy values involved in protecting the resource. That analysis approaches the wetlands of West Eugene as part of an interconnected natural system rather than as separate, discrete sites. The focus remains inside the West Eugene Wetlands Special Study Area, keeping in mind that the larger system of which these wetlands are a part extends beyond this and other political boundaries.

As detailed in Exhibit C, the amendments are consistent with the applicable policies of the Metro Plan and the West Eugene Wetlands Plan. Those are the same policies previously acknowledged as being in compliance with statewide planning goals; and, in the case of the West Eugene Wetlands Plan policies, deemed to be in compliance with applicable statewide goals by DSL approval of the WEWP as a wetlands conservation plan. The inventory and significance determinations for individual sites meet the DSL requirements, and the plan amendments comply with ORS 196.681 to 196.684 and OAR 141-120. For those reasons, these amendments to the West Eugene Wetlands Plan comply with Statewide Planning Goal 5.

Methodology for Goal 9 and 10 Analyses

To address consistency with Statewide Planning Goals 9 and 10, the amendments were analyzed to document additions or reductions to the supply of industrial, commercial, and residential lands within the Metro area, due to these amendments to the Plan. This analysis is based on existing inventory, supply and demand data provided in three source documents: the Metropolitan Industrial Lands Special Study, the Eugene Commercial Lands Study, and the "Supply and Demand Analysis in Acres" table included in the Metropolitan Area General Plan, as amended by Ordinance No. 20159 on July 12, 2000. The analysis also relies on site information not included in these existing land use inventory studies.

The tables include areas that involve a change in designation from "protect" or "restore" status to development (an increase in supply), and areas that involve a change from "development" or "undesignated" status to "protection" or "restoration" (a decrease in supply). Designation changes that allow development, but do not affect the inventory of available land are also shown in the accompanying tables. The affected areas were identified, their square footage was calculated, and this was in turn translated into approximate acreage. In some cases, the acreage figures were estimated using manual calculation methods, while most often computer mapping analysis was used. This information has further been categorized by land use type and Metro Plan designation (see Tables 1-3 below). This information was used to summarize the potential impacts that these refinement plan amendments would have on the existing supply of industrial, commercial and residential lands in the Metro area. Narrative summaries of the results of this analysis are included under each of the applicable Statewide Planning Goals below. The tables that are attached following the end of this narrative show the acreage figures for each site and category.

The following additional points will clarify the scope of this analysis:

1. This analysis addresses amendments which directly affect Site H2 (the Speedway site), within Tax Lot 300 on Assessor's Map 17043340. Other portions of site H2 are analyzed elsewhere.

2. This analysis only considers impacts to the local inventory of buildable land resulting from these amendments to the West Eugene Wetlands Plan. It does not take into consideration changes resulting from other local plans, policies, or actions.

3. The Metropolitan Industrial Lands Inventory Report (July 1993) identifies a projected demand for industrial land in a range from 650 acres to 1,172 acres. This projected demand was not broken down into any sub-categories, such as size, type or location. As a result the analysis here does not address these sub-categories. The Eugene Commercial Lands Study identifies a projected demand for 523 acres of commercial land, including 109 acres of office commercial and 432 acres of non-office commercial land. There were no further break-downs of the demand into other sub-categories such as size or location, and consequently these sub-categories are not addressed here. The Metropolitan Area Residential Lands Study separated out the aggregate demand for residential land into three sub-categories: low density, medium density and high density residential. No other sub-categories, such as size, or location were included in the analysis. Consequently the analysis herein only addresses these three categories.

4. The three studies relied upon here for analysis of available buildable land include land inside the adopted urban growth boundary, which encompasses land both inside and outside the Eugene city limits. Urban services are available to all properties within the city limits, but are not immediately available to properties outside the city limits. These properties outside the city limits must annex to the City of Eugene in order to receive urban services. Consequently, if land outside the city limits is removed from the buildable lands inventory, it has a less immediate effect because these properties are not developable until they are annexed.

5. All areas designated by these amendments for protection and restoration are vacant, undeveloped areas. Therefore, these amendments will not apply to existing development, and do not apply new land use restrictions to existing development. The wetlands designations affect only one tax lot, which contains some existing development. Therefore, all of the wetland designations affect a partially developed lot.

6. The accompanying tables do not include those parcels where a change in

designation was proposed from one non-developable category to another (e.g., from "protect" to "restore," or from "restore" to "Planned Transportation Corridor").

7. On Site H2, the acreage removed from the buildable lands inventory was larger than the wetland acreage designated, due to non-wetland areas surrounded by wetland designated for protection or restoration. These areas would be rendered unbuildable since they are either too small to develop or because there would be no possible access to them. The estimated additional reductions for this site were calculated as 0.3 acres for industrial land, 1.6 acres for medium density residential land and 1.2 acres for high density residential land. These acreages are incorporated into the tables attached, and reflected in the findings below.

8. Additional wetland sites were designated in two separate ordinances. In order to assess the cumulative impact to the buildable lands inventory of all the amendments, including those in this ordinance along with those in the other two ordinances, their impacts must be accounted for. Both of these ordinances were adopted previously, and the buildable lands impact analysis for those ordinances are referenced below.

Goal 9 - Economic Development

The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, wealth, and prosperity of Oregon's citizens.

Findings:

Industrial Lands:

The Metropolitan Industrial Lands Special Study, including both the Inventory Report and the Policy Report, describes the long-term supply and demand for industrial lands metro-wide. In 1992, these documents were approved by the Eugene City Council, the Springfield City Council and the Lane County Board of Commissioners. According to the data and findings contained in these reports (as of January 1, 1989), there were approximately 3,600 acres of buildable industrial land in the Metro area.[1] This figure is broken down into separate industrial land use categories in the "Buildable Acres" table below. The twenty-year demand projection for buildable industrial land was between 650 and 1,172 acres.[2]

Wetland designation changes to protection or restoration as a part of amendments included in this

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1 Metropolitan Industrial Lands Inventory Report, Lane Council of Governments, 125 East 8th Avenue, Eugene, Oregon, 97401, July 1993, p.73.

2 Ibid., p.73.

ordinance would decrease the available inventory of industrial land by 9.7 acres (see also Table 1 below). Since there are no additions to the inventory of buildable industrial lands, the net change based on these calculations would be an overall decrease of buildable industrial land by 9.7 acres. This represents a reduction in the overall supply of industrial land of 0.7%, leaving 3,594.6 acres of inventoried industrial land unaffected by these refinement plan amendments. This represents a supply that is 2,422.6 acres more than the maximum projected twenty-year demand for 1,172 acres. Although the industrial land inventory is broken down into different types of industrial land, the demand projection analysis does not break down the industrial land into smaller categories. The acreage figures above include estimates of non-wetland acreage that would be unavailable as a result of designating surrounding wetlands for protection or development.

	Buildable Acres[3]--Industrial Land						
	Heavy Industrial	**Special Heavy Indus-trial**	**Light Medium Indus-trial**	**Special Light Industrial**	**Mixed/ University**	**Non-Industrial**	**Total (all cate-gories)**
Eugene UGB	254.18	500.41	1,230.78	734.52	43.12	132.48	2,895.49
Springfield UGB	198.34	0.00	198.77	255.17	4.22	52.29	708.80
Metro UGB Total	452.52	500.41	1,429.55	989.69	47.34	184.77	3,604.29
	Impacts to Industrial Lands Inventory from WEWP Amendments						
Net Impact of Amdmts. (acres)	0.0	0.0	-9.7	0.0	0.0	0.0	-9.7
Percentage Impact	0.0%	0.0%	-0.7%	0.0%	0.0%	0.0%	-0.3%
Inventory Remaining (acres)	452.5	500.4	1,419.9	989.7	47.3	184.8	3,594.6

The reductions to the buildable lands inventory affect a proportionately small area in comparison to the total supply of available industrial land. The amendments to the West Eugene Wetlands

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3 Metropolitan Industrial Lands Inventory Report, Lane Council of Governments, 125 East 8th Avenue, Eugene, Oregon, 97401, July 1993, p. 47

Plan leave adequate industrial land within the Eugene-Springfield metropolitan area within the 20-year planning period. Therefore, these amendments are consistent with Goal 9 with respect to industrial land.

The wetland designations previously adopted for the Hyundai site removed a total of 50.2 acres of industrial land from the supply of buildable lands. The wetland designations previously adopted through the "multiple sites" ordinance removed a total of 54.8 acres of industrial buildable land. Together with the reductions from amendments included in this ordinance, these designations would bring the total reduction in buildable industrial land from all three ordinances to 114.7 acres. This would leave 3,489.6 acres of buildable industrial land available, which represents a supply that is 2,317.6 acres more than the maximum projected twenty-year demand for 1,172 acres of industrial land. Therefore, after adoption of the amendments in all three ordinances, there will be sufficient buildable industrial land remaining to meet the projected 20-year demand.

Commercial Lands

The Eugene Commercial Lands Study (1992), provides an analysis of the supply and demand for commercial land within Eugene. The study was prepared by the Eugene Planning Commission, and it serves as a refinement to the Metropolitan Area General Plan. According to the findings contained in this study, the total supply of commercial land was 702 acres (adjusted total supply).[4] The projected twenty-year demand for vacant commercial land (within the Eugene portion of the Urban Growth Boundary only) was 532 acres, including 109 acres of developable office land and 423 acres of non-office commercial.[5] For the purposes of this analysis, developable office is land designated in the Metropolitan Area General Plan for commercial use, which is zoned GO General Office. No land zoned General Office was affected by the amendments. Therefore, there is no impact to the supply of office commercial land as a result of these amendments.

Wetland designation changes to protection or restoration as a part of these amendments would, in effect, decrease the inventory of commercial land by 4.8 acres. This represents a reduction in the overall supply of commercial lands of less than 1%, leaving 697.2 acres of inventoried commercial land. This is 165 acres more than the projected twenty-year demand of 532 acres.

Since no office commercial lands were impacted, it must be assumed that all impacts are to the non-office commercial category. The projected demand for this category is 423 acres. According to the Commercial Lands Study, the inventory of buildable commercial land includes 465 acres of land designated in the Metro Plan for commercial use, but not zoned for office use. An additional 197 acres is included in the inventory that is not categorized between office and

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4 Eugene Commercial Lands Study, Eugene Planning and Development Department, 777 Pearl Street, Room 106, Eugene, Oregon, 1992, p. II-15.

5 Ibid., p.II-15.

non-office use, though a percentage of it can be assumed available for non-office commercial. Using only the 465 acres explicitly denoted in the Commercial Lands Study, after subtracting the 4.8 acres removed by protection of wetlands in these amendments, 460.2 acres are left, which is 37.2 acres more than the projected demand for this category.

Given a supply of commercial land greater than the projected demand for all commercial and non-office commercial after the reductions associated with these amendments to the West Eugene Wetlands Plan, the amendments leave an adequate supply of commercial land within the Urban Growth Boundary for the 20-year planning period. Therefore, the amendments are consistent with Goal 9 with respect to commercial land.

The amendments previously adopted for Site HG would not remove any additional acres from the commercial buildable lands inventory. The wetland designations previously adopted through the "multiple sites" ordinance removed a total of 5.3 acres of available commercial land. Together with the reductions from amendments included in this ordinance, these designations would bring the total reduction in buildable commercial land from all three ordinances to 10 acres. This would leave 692 acres of buildable commercial land, which represents a supply that is 160 acres more than the maximum projected twenty-year demand for 523 acres of commercial land. Therefore, no matter how much wetland on Site HG is designated for Protection or Restoration, after all of the amendments are adopted, there will be sufficient buildable commercial land remaining to meet the projected 20-year demand.

Goal 10 - Housing

The purpose of Goal 10 is to provide for housing needs of the citizens of the state.

Findings:

The Metropolitan Area General Plan, as amended by Ordinance No. 20159 on July 12, 1999, includes a summary analysis of the supply and demand for residential lands within the Eugene-Springfield Urban Growth Boundary. According to the summary table ("Supply and Demand Analysis in Acres"), there were 5,802 acres of vacant, buildable residential land in the Metro area in 1999. The twenty-year demand projection for vacant, buildable residential land was between 3,968 and 5,040 acres.

Wetland designation changes to protection or restoration as a part of the amendments included in this ordinance would, in effect, decrease the available inventory of residential land by 24.8 acres. This represents a reduction in the overall supply of inventoried residential lands by 0.4%, leaving 5,777 acres of inventoried residential land. This represents a supply of that is 737 acres beyond the maximum projected twenty-year demand of 5,040 acres. Given the remaining supply of residential land, and given the minor impact associated with these amendments to the overall supply, these amendments are consistent with Statewide Planning Goal 10.

The cumulative buildable land impact of all the amendments can be calculated by adding in the

impacts for Site HG and from the "multiple sites" ordinance. Site HG does not contain any land designated for residential use, so designations on that site would not remove any additional acres from the residential buildable lands inventory. The wetland designations previously adopted through the "multiple sites" ordinance removed 31.1 acres of buildable residential land from the inventory. Together with the reductions from amendments included in this ordinance, these designations would bring the total reduction in buildable residential land from all three ordinances to 55.9 acres. This would leave 5,746.1 acres of buildable residential land, which represents a supply that is 706 acres more than the maximum projected twenty-year demand for 5,040 acres of residential land. Therefore, after adoption of the amendments in all three ordinances, there will be sufficient buildable residential land remaining to meet the projected 20-year demand.

	Residential Lands Buildable Acreage			
	Low Density	Medium Density	High Density	Total
Metro UGB Total	4,780	828	195	5,802
	Impacts to Residential Lands Inventory from WEWP Amendments			
Net Impact of Amendments	0.0	-9.3	-15.5	-24.8
Percentage Impact	0.0%	1.1%	7.9%	0.4%
Inventory Remaining	4,780.0	818.7	179.5	5,777.2

Conclusions

The above findings show that these amendments to the West Eugene Wetlands Plan are consistent with Oregon Statewide Planning Goals 1, 5, 9 and 10. This conclusion is based on: 1) the relatively minor impact (through restrictions of land use) that wetland designation changes will have on the overall supply of industrial, commercial and residential land, 2) the fact that these minor impacts will not prohibit or significantly interfere with meeting the projected twenty-year buildable land demands as it is indicated in each of the inventory reports noted above, 3) the abundant opportunities provided for citizen involvement throughout the planning process and 4) approval of these amendments by the Oregon Division of State Lands as amendments to the West Eugene Wetland Conservation Plan. No further analysis of Statewide Planning Goals is necessary for these amendments to the West Eugene Wetlands Plan (RA 96-1).

Exhibit C

Findings of Consistency with Refinement Plan Amendment Criteria

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I. Introduction

The wetland designations for the Eugene Speedway site are reviewed below for consistency with the recently approved criteria for Protection, Development and Restoration. These criteria were adopted by the Eugene City Council on October 11, 1999 and by the Lane Board of Commissioners on November 23, 1999. These criteria for designation of wetlands were analyzed for consistency with all applicable policies from the Metropolitan Area General Plan, as well as the remaining policies of the West Eugene Wetlands Plan (WEWP) at the time of adoption. Therefore, site designations that are consistent with these criteria are considered consistent with the Metro Plan and WEWP Policies as well. This ordinance applies only to the portion of site H2 that lies within lot 1704334000300 (Amendment # 47). The remainder of Site H2 (Amendment #47a) is addressed in the previously adopted multiple sites ordinance.

The findings that follow include an analysis of the Speedway site (Site H2, portion) against the criteria for designating wetlands for Protection, Development or Restoration. These criteria have elsewhere been found consistent with the Eugene Code criteria for adoption of a refinement plan amendment including consistency with Metro Plan criteria and remaining policies in the West Eugene Wetlands Plan. Therefore, if a site designation meets the criteria for designation of wetlands and those criteria are consistent with code criteria, Metro Plan policies and remaining policies in the Wetlands Plan, we can conclude that the designation is also consistent with code criteria, Metro Plan policies and remaining policies in the Wetlands Plan. Even though consistency has been demonstrated in this manner, the findings below go further to include direct application of Metro Plan policies and remaining West Eugene Wetlands Plan policies to the designations, and finds them to be consistent.

II. General Findings

The wetland designations for the Speedway site (Site H2, portion) include areas for Protection, Restoration and Development. The wetlands generally on the west side of the site are designated for Development. The wetlands generally in the southeast portion of the site are designated for Restoration. The majority wet prairie wetlands in the northwest portion of the site are designated for Protection. On the whole, these designations provide for significant development opportunities, opportunities for expansion of the existing facilities, opportunities for mitigation of impacts to wetlands designated for Development, and Protection of valuable wetlands and associated plant and animal habitat.

The area designated for the Protection designation is in some places over 1,000 feet across from east to west. However, for convenience, in the discussion below, the area designated for Protection and Restoration is referred to as 900 feet wide. In making this general reference, the intention is to reflect the actual area designated for the Protection

and Restoration designations as described in Exhibit A.

For the analysis below, the site will be considered as a whole, and will also be considered in separate units as designated for Protection, Restoration and Development. The site characteristics used to divide the site into these subareas are as follows:

> Area Designated for Protection: The characteristic that defines the area designated for Protection is primarily the area surrounding the Speedway facility that has not been plowed and does not get mowed annually for hay. It is distinguishable on recent aerial photographs of the site. This area is at some points as much as 1,000 feet across from east to west.
>
> Area Designated for Restoration: The characteristics that define the area designated for Restoration, include occurrences of rare plants along its north, east, south and west boundaries, and the areas of contiguity with wetlands to the south and Willow Creek and protected wetlands to the east and the unplowed area to the north.
>
> Area Designated for Development: The characteristics that define the area designated for Development include the absence of rare plants, being next to existing development along most of three sides, being primarily designated for industrial development, providing an access corridor to the Speedway facility and having significant frontage along West 11th Avenue and Willow Creek Road.

The following interpretations of terms and phrases used in the Wetland Designation Criteria are adopted herein and applied to the analyses under the Criteria below.

> **Site:** The term "site," as used in the Wetland Designation Criteria, is interpreted to mean the entire wetland site, as mapped in the West Eugene Wetland Conservation Plan Inventory. Each "site" in the inventory has a unique label (e.g., H2). Although the entire wetland system is interconnected, each individual site has some characteristics that make it distinctive from other sites. On the inventory maps, all wetlands that share the same site label are considered to be part of one wetland site. For the purposes of the analysis under the Wetland Designation Criteria, each (entire) site is analyzed under the Criteria to determine how to designate the site. On sites where this analysis leads to the conclusion that two or more wetland designations should be applied to the site, it is instructive to apply the Criteria to sub-areas of the site, although this is not required. This should not be construed to mean these sub-areas are considered "sites." Rather, this additional level of analysis is offered to provide confirmation of the designation of sub-areas within the site that receives multiple wetland designations.
>
> **Adjacent to or surrounded by existing development:** This phrase, as used in Development Criterion #3 ("*Site is adjacent to or surrounded by existing development*")

is interpreted to mean that existing development is close enough to the site (including existing development that is on the site), or surrounds enough of the site perimeter so as to have a negative impact on the functioning of the wetlands within the site. This interpretation is deemed important, since many of the wetlands in the West Eugene Wetlands Plan area occur within the context of urban development. If this phrase was interpreted to mean simply that there is some development on an adjacent property, or to mean that development occurs somewhere to the west, north, east and south, then Criterion #3 would fail to be useful in distinguishing one site from another, since nearly all of the sites would meet the criterion. Applying this interpretation, the analysis below looks at how close development is to the wetlands on the site, and how much of the perimeter of the wetland is adjacent to development. Those sites where development is several hundred feet away from the wetlands, or where development is adjacent to only a small portion of the perimeter are not considered to have met the criterion. One relative measure that is used for comparison is the 100 foot maximum wetland buffer setback, which is required for protected wetlands (within the City of Eugene). The findings and legislative record for the adoption of the wetland buffer setback provisions establish that this distance provides adequate protection to wetlands from adjacent urban land uses (Ordinance No. 20006, enacted April 24, 1995). Where adjacent development is several times further from the wetlands than this, the development is not considered close enough to impact the wetlands, and therefore, is not considered adjacent.

Cannot be protected in perpetuity through the West Eugene Wetlands Program: This phrase, as used in Development Criterion #6 (*Site characteristics, including size, location and surrounding uses and activities are such that there exists a high probability that the site cannot be protected in perpetuity through the West Eugene Wetlands Program*), is interpreted to mean either:

(1) The site cannot be controlled through the acquisition (by one or more West Eugene Wetlands Program Partners) of easements or fee title ownership in order to manage the site for wetland protection. In the context of Criterion #6, it is the site characteristics and the characteristics of adjacent areas that would prevent site control and management, as opposed to lack of funding for acquisition (for example, a regulation that prohibits acquisition of property with certain characteristics) ; or

(2) That conditions or activities adjacent to the wetland site, which are outside the control of the Wetlands Program, pose a significant environmental threat to the wetland site (for example, contaminated groundwater on an adjacent parcel is likely to migrate to the wetland site and cause damage to the wetlands).

III. Analysis of Consistency with Adopted Wetland Designation Criteria

The adopted criteria are shown below in *italics*, with findings following each standard and criterion. The application of "Standards" and "Criteria" as used in the findings below are defined in the West Eugene Wetlands Plan (WEWP) Glossary as follows:

"**standard**: a written objective condition, which if met by a site, automatically determines the wetland designation to be applied."

"**criteria, criterion**: a written measure of character or quality, which is considered together with all other criteria to make a wetland designation decision on sites which do not meet any of the standards."

3.17 The following standards and criteria shall be used to designate newly identified wetland sites or portions of sites (i.e., undesignated wetlands within the West Eugene Wetlands Plan boundaries) for protection, development or restoration on the Wetlands Designation Map (Map 3) of the West Eugene Wetland Plan. These standards and criteria provide the framework for maintaining a balance within the plan area between environmental protection and sound urban development, consistent with state and federal wetland law.

For each site or portion of a site, designations shall be based upon either 1) finding that the site meets at least one of the standards, or 2) a thorough consideration of how all the criteria apply to the site. A wetland site need not meet all of the criteria for a given designation in order to be given that designation. The restoration designation shall be used to identify sites considered important primarily for their location and function in the larger wetland system, and the restoration criteria shall be applied when a site does not clearly meet either the protection or development standards or the protection or development criteria as a whole.

Protection

Standard

1. Sites designated "Natural Resource" on the Metropolitan Area General Plan diagram shall be designated for protection.

No part of this site is designated "Natural Resource" on the Metro Plan diagram. This site does not meet this standard.

Criteria

1. Site contains population(s) of one or more rare plant or animal species and contains sufficient and suitable habitat for the long-term protection of the population(s). This criterion is not met if only small occurrences of a species are found on a site with limited suitable habitat that is isolated from other undeveloped parcels.

This site contains known populations of *Lomatium bradshawii*, *Erigeron decumbens* var. *decumbens* and *Horkelia congesta*, all within 1,000 feet of the eastern property line. All

three of these species are listed in the West Eugene Wetlands Plan as rare plant species as a result of amendments to the Plan adopted by the Eugene City Council on July 8, 1998 (Ord. No. 20126) and by the Lane County Board of Commissioners on November 10, 1998 (Ord. No. PA 1106). Surveys for two other rare species listed in the Plan, *Aster curtus* (white-topped aster) and *Cicendia quadrangularis* (timwort), have not been conducted. This site is large, and is geographically and hydrologically connected to Willow Creek and to protected wetland areas to the south and east that provide suitable habitat for the maintenance or expansion of these populations. The site as a whole contains several rare plant species, and contains adequate suitable habitat, and, therefore, meets this criterion.

The area designated for Development is not known to contain rare plant species. Two very small populations (3-4 plants each) of *Erigeron decumbens var. decumbens* were found near the eastern edge of the area designated for Development. These populations are found along a former fence line, within the remnant wet prairie area designated for Protection. We conclude that the area designated for Development does not contain known rare plants, and therefore, that this area does not meet Protection criterion 1.

The areas designated for Restoration and Protection, which contain the rare species populations as well as surrounding suitable habitat, meet this criterion.

2. *Site is primarily within the 100 year floodplain.*

Approximately 15% of the entire site is within the 100 year floodplain, in a broad swath across the north end of the site, north of the Speedway facility. The site as a whole does not meet this criterion.

Less than 30% of the area designated for Development is within the floodplain, therefore it does not meet this criterion.

The area designated for Protection next to the Speedway facility is mostly within the 100 year floodplain and therefore meets this criterion.

The area designated for Restoration is not within the 100 year floodplain, and therefore does not meet this criterion.

3. *Site is within 100 feet of a waterway (stream) designated for protection on Map 3 of the West Eugene Wetlands Plan.*

Willow Creek is the closest protected waterway. It borders the site along its entire eastern boundary. Therefore, the site as a whole meets this criterion. The areas designated for Protection and Restoration are located next to Willow Creek and therefore meet this criterion. The areas designated for Development, if considered separately, are not within

100 feet of Willow Creek. However, the majority of these areas are part of the larger, contiguous wetland site and the larger site abuts Willow Creek. Exceptions are the extreme southwest and northwest wetland areas, which are separated by non-wetlands. These separated areas are non-contiguous and are not within 100 feet of Willow Creek and therefore do not meet this criterion.

4. *Site has a direct perennial or intermittent surface water connection to a wetland designated for protection on Map 3 of the West Eugene Wetlands Plan.*

Stormwater runoff from this site drains directly into Willow Creek or, via culverts, to Amazon Creek. Willow Creek flows out of the protected Willow Creek Natural Area (site H1) and borders this site along its entire eastern boundary. On the east side of Willow Creek are the protected wetlands in site H3, which also drains into Willow Creek. Willow Creek then flows under West 11th Avenue and through a recently restored wetland mitigation site. This surface flow connection via Willow Creek between site H2, and sites H3 and H1 constitutes a direct, intermittent surface water connection to protected wetlands. Therefore, we conclude that the entire site meets this criterion. The area designated for Protection adjacent to the Speedway facility primarily drains directly into Willow Creek and, therefore, meets this criterion. The area designated for Restoration largely drains directly into Willow Creek, and, therefore, meets this criterion. The area designated for Development drains into Amazon Creek via culverts under West 11th Avenue, and lacks the direct connection via Willow Creek. Therefore, this area does not meet this criterion.

5. *Site contains a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region.*

This site contains primarily wet prairie habitat altered by agricultural use. Since the wet prairie plant community has persisted, this site represents a large expanse of a habitat type that is very rare in this region, and contributes to the diversity of wildlife habitat within the region. A number of wildlife species, including western meadowlark (Oregon's State Bird) require relatively large expanses of prairie habitat such as this. Therefore the entire site meets this criterion, as do the areas designated for Development, Restoration and Protection when considered separately since each is comprised primarily of wet prairie habitat.

6. *Site has unique characteristics which make it of special importance to the functioning of the larger wetland system in West Eugene, and protection of site would further the goals and objectives of the West Eugene Wetlands Plan.*

The unique characteristics of this site are its wet prairie habitat, rare plant populations,

large size, connection to Willow Creek and its location adjacent to the Willow Creek Natural Area and protected wetland site H3. The entire site meets this criterion.

The area designated for Development contains wet prairie habitat, is large, and is hydrologically connected to Amazon Creek. We conclude that these factors together make this area of special importance to the functioning of the larger wetland system in terms of wildlife habitat, flood storage, and rare plant habitat.

The area designated for Restoration contains wet prairie habitat, is large, contains significant rare plant populations and is hydrologically connected to Willow Creek, is directly adjacent to Willow Creek and the Willow Creek Natural area and, together with the area designated for Protection, provides a corridor connecting the Willow Creek Natural Area with Amazon Creek. We conclude that these factors together make this area of special importance to the functioning of the larger wetland system in terms of wildlife habitat, flood storage, and rare plant habitat.

The area designated for Protection contains relatively undisturbed wet prairie habitat, contains significant rare plant populations and is hydrologically connected to Willow Creek, is directly adjacent to Willow Creek and, together with the area designated for Restoration, provides a corridor connecting the Willow Creek Natural Area with Amazon Creek. We conclude that these factors together make this area of special importance to the functioning of the larger wetland system in terms of wildlife habitat, flood storage, and rare plant habitat.

7. *Presence of unique Willamette Prairie Grassland plant community. Site contains indigenous wet prairie habitat. This criterion is intended to apply to areas of wet prairie habitat that are large or of moderate to high quality.*

This site contains more than 100 acres of wet prairie habitat, some of which is moderate to high quality and some of which has been altered by agricultural practices. Since the criterion requires either large size or moderate to high quality wet prairie, the entire site meets this criterion, as do the areas designated for Development, Protection and Restoration when considered separately, since each is large and comprised primarily of wet prairie habitat.

Development

Standard

1. *The site shall be designated for development if, at the time of designation of the site in the West Eugene Wetlands Plan, it has a valid, approved wetland impact permit from the Oregon Division of State Lands and the U.S. Army Corps of Engineers.*

To date, no fill permit has been approved for this site. Therefore, this site does not meet this standard.

Criteria

1. Site is relatively isolated or disconnected from the larger system of wetlands and waterways.

This large wetland site is adjacent to protected waterways and wetlands on the east and adjacent to protected waterways or wetlands on a portion of the north and south sides. The site as a whole does not meet this criterion.

The area designated for Development is not adjacent to any currently protected wetlands, but is adjacent to wetlands designated in Exhibit A for Protection and Restoration, and therefore does not meet this criterion.

Considered separately, the areas designated for Restoration and Protection are adjacent to protected wetlands and to Willow Creek, and, therefore, do not meet this criterion.

2. Site is served by existing streets, roads, sanitary sewers and municipal water.

The site as a whole has frontage on West 11th, Willow Creek Road and West 18th. Sanitary sewer and water lines are adjacent to or within the site along West 11th and Willow Creek Road. Therefore, the site as a whole meets this criterion.

The area designated for Development has frontage along West 11th, Willow Creek Road and West 18th and could obtain vehicular access from one or more of these. Therefore, the area designated for Development area meets this criterion.

The area designated for Restoration has frontage on West 18th, and could be served by existing sewer and water lines. Therefore, the area designated for Restoration also meets this criterion when considered separately.

The area designated for Protection has a very small frontage on West 11th. In addition, access is available from the west from Willow Creek Road. Therefore, the area designated for Protection meets this criterion.

3. Site is adjacent to or surrounded by existing development.

Part of Site H2 is developed with the Speedway facility. Residential and commercial development also exists along the northern and western perimeters of the site. There currently is no development along the south or east sides of the site, where it is bordered by protected wetlands. The site as a whole has development within 120 feet along the

west wetland boundary, and within 100 to 150 feet along the north wetland boundary. Development off site to the northeast is within 75 feet of the wetland boundary. New development also exists on a separate parcel between the Speedway property and Willow Creek Road (1704334000400). We conclude that with development on the site, and within 75 to 150 feet on two sides, that the site as a whole meets this criterion.

The area designated for Development has existing development within 75 to 150 feet on two sides, and therefore meets this criterion.

The area designated for Restoration abuts the Speedway facility at its northern end. The Speedway facility is no longer in use, and has not been used in recent years. Since the area designated for Restoration is long and narrow, and the Speedway lies at the narrow end, only a very small portion of the wetlands so designated are close to the development. The majority of these wetlands are more than 400 feet from the nearest development, and most are adjacent to protected wetlands or Willow Creek. In addition, out of a total perimeter of over 5,900 feet, only 800 feet are adjacent to the abandoned Speedway facility. Given the relatively small portion of wetlands that are actually close to the Speedway and the small portion of the perimeter that is close to the Speedway, we conclude that the Restoration area does not meet this criterion.

The area designated for Protection surrounds the Speedway facility and has existing development within 75 feet to the north and therefore meets this criterion.

4. *Site has frontage on a major highway or street.*

The Speedway site as a whole has frontage along West 11th Avenue, Willow Creek Road and West 18th Avenue.

The City of Eugene adopted the "Eugene Arterial & Collector Street Plan" in November 1999. This plan designates West 11th Avenue as a major arterial and Willow Creek Road and West 18th Avenue as minor arterials. For the purposes of this analysis, arterial streets are considered "major streets".

The area designated for Development has substantial frontage on all three streets, and therefore also meets this criterion.

The area designated for Restoration has approximately 900 feet of frontage along West 18th and therefore meets this criterion.

The area designated for Protection has approximately 200 feet of frontage on West 11th, and therefore also meets this criterion.

5. *Site has unique characteristics which make it of special importance to the*

economic development of West Eugene, and allowing development of site would further the goals and objectives of the West Eugene Wetlands Plan.

The Speedway site's main distinguishing characteristics for development are its large size and its location on West 11th Avenue. The site is designated for several different uses in the Metro Plan (light-medium industrial, commercial, medium density residential and high density residential). The largest of these areas is that designated for light-medium industrial use. This large light-medium industrial area with frontage on West 11th is economically significant. Therefore, the whole site meets this criterion.

The area designated for Development includes most (approximately 75% to 85%) of the area designated for light-medium industrial use. This area is one of the largest remaining tracts in West Eugene designated for light medium industrial use on the Metro Plan diagram. These factors make this area of special importance to the economic development of West Eugene as a whole. Therefore, the area designated for Development meets this criterion.

The area designated for Restoration includes land designated for community commercial, medium density residential and high density residential uses. This area has frontage along West 18th Avenue across from the Nature Conservancy's Willow Creek Natural Area. The significant area of medium and high density residential land in the Willow Creek basin is a unique resource for the economic development of the area. Therefore, this area meets this criterion.

The area designated for Protection includes land designated for community commercial use and light medium industrial use. This area currently contains the Eugene Speedway, a use that is probably not compatible in the long term with any future residential development nearby. The commercially designated area lies on the edge of a larger commercially designated area, most of which lies to the east across the Willow Creek Channel. The frontage this area has on West 11th is within 300 feet of the intersection of Beltline Road with West 11th, which may make direct access to West 11th problematic due to traffic safety concerns. We conclude that the characteristics of this area do not make it of regional importance to economic development, and, therefore, the area designated for Protection does not meet this criterion.

6. *Site characteristics, including size, location and surrounding uses and activities are such that there exists a high probability that the site cannot be protected in perpetuity through the West Eugene Wetlands Program*

The large size of this site, with its location next to protected wetlands and waterways make successful management and protection of this site a high probability. Therefore, this site does not meet this criterion.

The area designated for Development is a large wetland area contiguous with large adjacent wetlands designated for Protection and Restoration. It is adjacent to existing development across Willow Creek Road to the west and across West 11th to the north. Based upon Metro Plan designations, future adjacent uses will be mostly residential and light medium industrial. This area could managed as part of the larger block of wetland habitat, and though there may be more challenges to successful protection and management due to future adjacent uses, we conclude that it can be protected, and does not meet this criterion.

The areas designated for Restoration and Protection are contiguous with other protected wetlands and waterways and form a large block of wetland habitat with other protected wetlands to the east and south. These areas can be managed in conjunction with other adjacent protected wetlands and waterways and therefore do not meet this criterion.

Restoration

Standard

1. Any site or portion of a site that is providing compensatory wetland mitigation as part of an approved state or federal wetland fill permit shall be designated for restoration.

To date, no portion of this site is providing compensatory mitigation credit. Therefore this site does not meet this standard.

Criteria

1. Site contains hydric soils.

All of the wetland areas on this site contain hydric soils, therefore the entire site meets this criterion. The areas designated for Development, Restoration and Protection also meet this criterion when considered separately.

2. Site is either a disturbed agricultural wetland or previously exhibited wetland characteristics.

Generally, the West Eugene Wetlands Plan considers wetlands to be disturbed agricultural wetlands if they have been altered by agricultural practices, but continue to exhibit important wetland values. This site is a wet prairie site most of which was disturbed by plowing in 1986 and annual mowing for hay. The wetland regulatory agencies (i.e., Oregon Division of State Lands and U.S. Army Corps of Engineers) have confirmed that most of the site is wetland in spite of the agricultural disturbance. Therefore, the site as a whole meets this criterion.

The areas designated for Development and Restoration were affected by these agricultural practices, and therefore meet this criterion.

The area designated for Protection was not plowed in 1986 and retains much more of its natural character than the remainder of the site. Therefore, this area does not meet this criterion.

3. *Site is capable of providing adequate wetland hydrology.*

The wetlands on this site all have adequate wetland hydrology, primarily from on-site precipitation. All wetland areas of the site meet this criterion.

4. *Site does not currently benefit from municipal infrastructure and urban services.*

Urban services are available to the entire site, therefore none of the site meets this criterion.

5. *Site is either larger than 15 acres or is contiguous with a waterway (stream) designated for protection on the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan."*

The site as a whole, and the areas designated for Development, Restoration and Protection are each greater than 15 acres in size. Therefore the site as a whole and the areas designated for Development, Restoration and Protection all meet this criterion.

D. Summary of Consistency with Adopted Wetland Designation Criteria

The table below summarizes how this site meets the wetland designation criteria for Protection, Development and Restoration.

		Standard Met			
Protection Standard #	**Description**	**Whole Site**	**Develop Area**	**Restore Area**	**Protect Area**
1	NR designation in Metro Plan	No	No	No	No

		Criterion Met			
Protection Criterion #	**Description**	**Whole Site**	**Develop Area**	**Restore Area**	**Protect Area**

1	Rare species populations	Yes	No	Yes	Yes
2	100 Year Floodplain	No	No	No	Yes
3	Within 100 feet of protected waterway	Yes	No	Yes	Yes
4	Surface water connection to protected wetlands	Yes	No	Yes	Yes
5	Habitat diversity	Yes	Yes	Yes	Yes
6	Unique Environmental Characteristics	Yes	Yes	Yes	Yes
7	Contains Wet Prairie	Yes	Yes	Yes	Yes
Total Protection Criteria Met (out of 7)		**6 yes**	**3 yes**	**6 yes**	**7 yes**

		Standard Met			
Development Standard #	**Description**	**Whole Site**	**Develop Area**	**Restore Area**	**Protect Area**
1	Valid Corps and DSL fill permits	No	No	No	No

		Criterion Met			
Development Criterion #	**Description**	**Whole Site**	**Develop Area**	**Restore Area**	**Protect Area**
1	Isolated or Disconnected from System	No	No	No	No
2	Has Roads, Sewers, Water	Yes	Yes	Yes	Yes
3	Adjacent to/surrounded by development	Yes	Yes	No	Yes
4	Major street frontage	Yes	Yes	Yes	Yes
5	Unique Economic Characteristics	Yes	Yes	Yes	No
6	Cannot be protected in perpetuity	No	No	No	No
Total Development Criteria Met (out of 6)		**4 yes**	**4 yes**	**3 yes**	**3 yes**

		Standard Met			
Restore Standard #	**Description**	**Whole Site**	**Develop Area**	**Restore Area**	**Protect Area**

1	Is Mitigation site under approved permit	No	No	No	No

		Criterion Met			
Restore Criterion #	**Description**	**Whole Site**	**Develop Area**	**Restore Area**	**Protect Area**
1	Hydric soils	Yes	Yes	Yes	Yes
2	Disturbed Ag or Previous Wetland	Yes	Yes	Yes	No
3	Wetland Hydrology	Yes	Yes	Yes	Yes
4	Lacks Infrastructure	No	No	No	No
5	Larger than 15 acres or contiguous with protected waterway	Yes	Yes	Yes	Yes
Total Restoration Criteria Met (out of 5)		**4 yes**	**4 yes**	**4 yes**	**3 yes**

The site does not meet any of the standards, which means it is appropriate to apply the criteria to the site to determine the wetland designations. The tables above show that the site as a whole meets 6 of 7 Protection criteria, 4 of 6 Development criteria and 4 of 5 Restoration criteria. This is consistent with earlier analyses that found that the site had significant values for both economic development and environmental protection.

The area designated for Development meets 3 of 7 Protection criteria, 4 of 6 Development criteria and 4 of 5 Restoration criteria. Of the three subareas, this area has the highest Development values and the lowest Protection values. Given the large area included in this site, the development values become more important for the region as a whole. Based on these analyses, we conclude that this area is most appropriate for a Development designation.

The area designated for Restoration meets 6 of 7 Protection criteria, 3 of 6 Development criteria and 4 of 5 Restoration criteria. This area meets most of the Protection criteria and most of the Restoration criteria and only half of the Development criteria. This area is adjacent to the protected Willow Creek corridor, and, together with the large block of protected wetlands on the east side of Willow Creek, provides a large, regionally important block of wetland habitat. The area's proximity to the protected Willow Creek Natural Area increases its value. Based on these findings we conclude that this area is most appropriate for Restoration, due to the level of site disturbance and because it does not meet enough of the Development criteria to warrant a Development designation.

The area designated for Protection meets 7 of 7 Protection criteria, 3 of 6 Development

criteria and 3 of 5 Restoration criteria. Of the three subareas, this area has the highest protection values and the lowest Development values. This area also scores lower against the Restoration criteria. Based on these findings we conclude that this area is most appropriate for Protection.

IV. Analysis of Wetland Designations for the Speedway Site Against Approval Criteria for Refinement Plan Amendments

Section 9.145(2) of the Eugene Code gives the criteria used to determine whether a proposed plan amendment should be approved or not. The proposed amendments must be consistent with the criteria in section 9.145(2) to be approved. The analysis below considers the wetland designations for this site as described in Exhibit A.

It is important to recognize that when considering one specific site, it may be impossible to completely meet each Metro Plan policy fully on that one site. It is necessary, in cases where policies appear to contradict one another, to evaluate the proposal as to how it meets the criteria on the whole, rather than base the decision on consistency with one or two particular policies. The code requires consistency with the Metro Plan as a whole, not consistency with each individual policy taken out of the whole.

The Eugene Code criteria for approval of refinement plan amendments are shown below in **bold text**, with applicable findings following each section.

Section 9.145 (2) "The planning commission shall review the proposed amendment and receive evidence, and decide whether the proposed change is consistent with the following approval criteria: (a) The plan amendment is consistent with the Metropolitan Area General Plan;"

A. Metro Plan Policies

This section analyzes the site against applicable goals and policies of the Metropolitan Area General Plan. Listed below are Metro Plan policies used in the analysis of the amendments in the March 19, 1996 staff report to the planning commissions. These are all of the Metro Plan policies we believe apply to this refinement plan amendment proceeding. Not all these policies apply to site designations, as is stated where appropriate below.

> Policy 1, page III-B-4: "Demonstrate a positive interest in existing and new industries, especially those providing above average wage and salary levels, an increased variety of job opportunities, a rise in the standard of living, and utilization of our existing comparative advantage in the level of education and skill of the resident labor force."

The Speedway site is designated in the Metro Plan for a variety of uses including community commercial, medium industrial, medium density residential and high density residential. Roughly the northwest quadrant of the site is designated for industrial use. Roughly 75-85% of the area designated for industrial use is designated for Development. Without a very specific development proposal for the whole site, it is not possible to evaluate the impact of these amendments on jobs with certain characteristics, such as those referenced in Policy 1 above. However, taken in whole, the wetland designations for this site recognize the value of economic development and job creation, though they do not maximize either, in part because they are balanced against other values on the site. Given that most of the industrial land is designated for Development, we conclude that the wetland designations for this site would demonstrate a positive interest in industrial development, and therefore are consistent with this policy.

> Policy 5, page III-B-5: " Provide existing industrial activities sufficient adjacent land for future expansion."

There are no existing industrial uses on this site.

> Policy 18, page III-B-6: "Encourage the development of transportation facilities which would improve access to industrial and commercial areas and improve freight movement capabilities by implementing the policies and projects in the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) . . . "

This designation would not preclude proposed improvements to West 18th Avenue or Willow Creek Road designed to provide access to development on this site and other adjacent sites. The designations on this site include an allowance for a 60 foot wide access road to the Speedway facility itself, which is zoned for commercial use. We conclude that this provides adequate access for any future development in this area. Given these factors that ensure adequate access to developable portions of the site, we conclude that the designations on this site are consistent with this policy.

> Policy 18, page III-C-9: "Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.

Policy 18 directs the local jurisdictions to adopt policy and develop programs to protect wetlands and waterways, and provides direction as to what values to consider when considering protection of wetlands. These amendments will become part of the West Eugene Wetlands Plan, which directly addresses restriction of development in wetlands to protect these values. This site includes over 100 acres of wetlands and borders an important waterway. We will consider here the various wetland values of this site as they are listed in Policy 18: (1) scenic quality, (2) surface and groundwater quality, (3)

vegetation and (4) wildlife values.

(1) Scenic quality: The scenic quality of this site is primarily based on three factors: its location, the open expanse of undeveloped land and the natural vegetation growing there. This site is immediately north of the Willow Creek Natural Area (WCNA), which is managed by The Nature Conservancy for its environmental values. The site is also next to the Willow Creek Channel, which is a trapezoidal ditch in this reach, and is next to protected wetland to the east. As a continuation of prairie habitat from the WCNA to the south, the site has scenic value as a natural open space. Designating a 900 foot wide corridor in the southeast corner of the site for Restoration will help protect this scenic value by maintaining natural open space in a primary viewshed from the main entry point of the WCNA.

(2) Surface and groundwater quality: This site drains into Willow Creek and Amazon Creek. The wetlands on the site provide some storage of stormwater, and provide some water quality benefits through vegetative filtration of stormwater draining from the site into Willow Creek and Amazon Creek. Neither of these functions has been quantified or specifically studied on this site, so this characterization is general in nature. Maintaining open space with natural vegetation within the designated Protection/Restoration corridor would help maintain the existing water quality benefits provided by the wetlands on the site, and would therefore be consistent with Policy 18.

(3) Vegetation: Designation of the Speedway vicinity for Protection, and a 900 foot wide corridor for Restoration would ultimately provide for increasing the diversity and quality of native wet prairie habitat on this site. Within the context of the West Eugene Wetlands Plan, the wet prairie plant community is a highly valued plant community. Protection and Restoration of a large portion of this habitat on this site is consistent with Policy 18.

(4) Wildlife: The wildlife habitat value of this site depends upon its size, its proximity to Willow Creek and the Willow Creek Natural Area (WCNA) and protected wetlands to the east, and the presence of a large expanse of prairie habitat. Together with protected wetlands and upland habitat in the Willow Creek Natural Area and on the Hyundai site, the Speedway site contributes to a large block of habitat, especially for those species that depend on prairie habitat. These species include prairie nesting bird species such as western meadowlark and species that hunt or forage in grasslands (e.g., raptors, deer). This site is connected to the surrounding forested ridges through connective corridors on the WCNA and on Site HG. Although relatively homogeneous itself, the site contributes to the diversity of the larger habitat system, since large blocks of native prairie are extremely scarce in the Willamette Valley. The designated Protection and Restoration corridor on this site would contribute significantly to maintaining these habitat values, and therefore is consistent with Policy 18.

Policy 19, page III-C-9: "Local governments shall develop policies and local

controls for protection and management of wetland areas by completion of the next Metro Plan Update."

This policy is not directly applicable to the designation of a specific site. The West Eugene Wetlands Plan was originally adopted in 1992, and addresses protection of wetlands.

Policy 27, page III-C-10: "Local governments shall encourage further study by specialists of endangered and threatened plant and wildlife species in the metropolitan area."

This site has been surveyed for *Lomatium bradshawii*, *Erigeron decumbens* var. *decumbens*, *Horkelia congesta,* and *Lupinus sulphureus* var. *kincaidii*. Rare plants were mostly found next to Speedway facility and along Willow Creek channel. *Aster curtus*, a state-listed threatened species, was not surveyed for because the site was mowed before the survey took place. Protection and restoration of a large portion of this site would enable further surveys for and study of these and other rare plant species within the protected and restored areas, which is consistent with this policy.

Policy 28, page III-C-10: "Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input."

Both *Lomatium bradshawii* and *Erigeron decumbens* var. *decumbens* are listed by the state as endangered. *Aster curtus* is listed by the state as threatened. Policy 28 gives direction for protection of these species, after notice and public input. The West Eugene Wetlands Plan amendment process has provided notice of proposals to protect the area containing rare plants on this site and has provided an opportunity for public input. Notice and opportunities for input were part of the proceedings before the elected officials. Protecting the known rare plant populations and adjoining habitat that may contain other rare species, as achieved by these amendments, is consistent with Policy 28.

Policy 29, page III-C-11: "Local governments shall work with owners of designated environmentally-sensitive areas to require that reasonable actions are taken to protect these lands, e.g., the heronry at the confluence of the Willamette and McKenzie Rivers and the site of the Aster curtus in the Willow Creek Basin."

This policy is intended to give direction to local governments for actions taken after lands are designated as environmentally significant. Therefore this policy does not apply to the process of designating an area as environmentally significant.

Policy 2, page III-E-3: "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable,

considering the economic, social, environmental and energy consequences in the design and construction of urban development and landscaping shall be utilized to enhance those natural features."

Policy 2 gives direction to orient development to minimize impacts to valuable natural areas. The wetland designations for this site would keep development impacts away from Willow Creek, avoid all known rare plant areas on the site and unplowed wet prairie habitat and provide habitat for expansion of wet prairie plant species. The wetland designations for this site would also provide for development of large areas designated for industrial, medium density residential and high density residential uses. Although the designation of this site does not dictate the design and construction of future development, it does determine where it will happen and minimize its impacts on natural features on the site. Therefore, the wetland designations for this site are consistent with this policy.

Section 9.145(2)(b) "The plan amendment is consistent with remaining portions of the refinement plan;"

B. WEWP Goals

The West Eugene Wetlands Plan contains the following applicable Goals (related findings follow each Goal). These broad goals apply to the plan as a whole. The Plan defines goals as "broad statements of philosophy and are adopted by the City Council and Lane County Board of Commissioners. They may never be completely attainable, but they describe the hopes of the people and help establish direction (preface, page x)."

Goal 3.1 "Protect and enhance water quality, wildlife habitat, flood storage sediment and toxicant removal and other wetland functions and values."

See discussion under Metro Plan Policy 18 (p. III-C-9) above for discussion of these values and how the wetland designations for the Speedway site would protect or enhance them. We conclude that the wetland designations for this site are consistent with Goal 3.1.

Goal 3.2 "Minimize economic hardship on private property owners due to protection of wetlands and other valuable environmental resources."

Where wetlands occur on privately owned land, there are several ways in which the economic hardship caused by wetland protection can be reduced or minimized. These include: 1) allowing the least valuable wetlands to be developed while protecting values of the remaining wetlands, 2) public acquisition of the protected wetlands, with subsequent public maintenance and management.

The designation of a substantial acreage of wetlands for Development reflects an effort to minimize the economic hardship of wetland protection on the property owner. The wetlands designated for Protection and Restoration would be eligible for acquisition under the West Eugene Wetlands Acquisition program administered by the Bureau of Land Management. Such acquisition would also help to minimize economic hardship. We conclude that although neither of these actions eliminates economic hardship, they do show a good faith effort to minimize them, and therefore we conclude the wetland designations for the Speedway site are consistent with Goal 3.2.

Goal 3.3 "Minimize adverse impacts to protected wetlands from adjacent development."

The wetland designations for the Speedway site include substantial areas designated for Development. The West Eugene Wetlands Plan and its implementing ordinances do not require setbacks upon areas of fill authorized within wetlands. This policy is intended to reduce the financial burden of developing within wetlands designated for Development. In order, then, to minimize impacts from development on this site, the area of protection and restoration must be sufficiently wide so that most of the wetland area is not immediately next to the development. In this respect, a wider Protection/Restoration corridor provides more protection for the wetlands in that corridor than a narrower corridor would. A wider corridor would also provide more buffering effect for the WCNA by keeping development further from sensitive rare plant areas on the south side of 18th Avenue. We conclude, therefore, that the existing wetland designations for this site, which include a 900 foot corridor along the east side of the property, are consistent with Goal 3.3.

Goal 3.5 "Protect and expand current populations and habitats of rare plants and animals that currently exist in west Eugene."

This site contains several plant species that are listed as "rare" in the West Eugene Wetlands Plan. The wetland designations for this site would protect nearly all of the existing rare plants, and would allow for suitable habitat between these existing plants for expansion of these populations. If only the areas immediately surrounding the existing plants were protected or restored, little opportunity would exist for expansion of the populations. We conclude that the wetland designations for this site would protect and allow expansion of current rare plant populations. Therefore, these designations are consistent with Goal 3.5.

Goal 3.6 "Achieve state and federal requirement of 'no net loss' of wetlands in both quantity (area) and quality (functions and values)."

"No net loss" can be pursued through a combination of avoiding wetland impacts where possible, and replacing those low quality wetlands where development values outweigh

the environmental and social values of the wetlands. The West Eugene Wetlands Plan acknowledges that higher quality wetlands and more rare habitat types are more difficult to replace through mitigation. This acknowledgment is shown in the mitigation replacement ratios, in which wet prairie has the highest replacement ratio. The West Eugene Wetlands Plan has also placed a priority on protecting wet prairie habitat, under the premise that protection is the most effective way to prevent loss of the values associated with this rare habitat type. The wetland designations for this site are aimed at protecting and expanding wet prairie habitat. This, along with the requirement to replace through compensatory mitigation those wetlands designated for Development, is consistent with this goal.

Goal 3.7 "Protect an interconnected system of wetlands within a sustainable, ecologically sound system, with a high likelihood of long-term survival."

The designated Protection/Restoration corridor is hydrologically and geographically connected to Willow Creek and the Willow Creek Natural Area to the south, and is geographically connected to protected wetland site H3. Together these sites form a large block of wetland habitat linked by an important waterway. The large size and contiguity of these sites make management easier and provide for large interior areas that are not next to development. These factors favor long-term survival of the interconnected wetland system. Since the corridor designated for Protection/Restoration along Willow Creek would contribute to both interconnectedness and sustainability of the wetland system, we conclude that the wetland designations for this site are consistent with Goal 3.7.

Goal 4.3 "Achieve compliance with federal and state wetland law, policies and guidelines."

The WEWP amendment process is consistent with state and federal wetland law, policies and guidelines. The West Eugene Wetlands Technical Advisory Committee has reviewed the proposed amendments several times and provided comments. The TAC consists of staff representatives from DSL, DEQ, the Army Corps of Engineers, US Fish and Wildlife, and EPA. TAC member agencies have also submitted written testimony into the record. We find nothing in the wetland designations for the Speedway site that are inconsistent with state or federal laws, policies or guidelines. Therefore, the wetland designations for the Speedway site are consistent with Goal 4.3.

Goal 4.4 "Increase certainty in the development process."

The WEWP increases certainty for developers by providing clear direction about where wetlands exist and where and how development of wetlands can take place. With the wetlands on the site mapped, the designation of the Speedway site, once given final approval, will clarify which areas can be developed and which cannot. We find this

outcome to be consistent with Goal 4.4.

Goal 4.5 Minimize reductions to the existing industrial and commercial buildable lands inventory as a result of wetland protection.

Most of the wetlands in West Eugene occur on land designated in the Metro Plan for industrial use. This means that most of the wetlands protected involved a reduction in the industrial land supply. The designation of wetlands for Protection and Development on the Speedway site would reduce the inventory of light industrial land in west Eugene by approximately 9.7 acres, while designating more than 85% of the industrially designated wetlands on the site for future development. This 9.7 acre reduction of the industrial land inventory represents a reduction of less than 0.4% to the Metropolitan area inventory of 3,475 acres identified in the 1993 Metropolitan Industrial Lands Inventory Report. The impact of this reduction to the buildable lands inventory is further analyzed in a formal statement of statewide goal findings attached as Exhibit B. For the purposes of this analysis, we find that most of the industrial land has been reserved for future development, which is consistent with Goal 4.5.

C. WEWP Policies

The West Eugene Wetlands Plan contains the following policies (related findings follow each policy) that are applicable to a decision about how to designate a new wetland site. The Plan states that "policies provide the basis for consistent action to move the community toward its goals. Policies are adopted by the City Council and Lane County Board of Commissioners. These polices are used to evaluate actions relative to the Plan (WEWP preface, page x)."

Policy 3.8 Establish, maintain and protect physical and hydrologic linkages between protected wetland and adjacent transitional and upland wildlife habitat and natural areas.

The designated Protection/Restoration corridor along the east side of the site would maintain and protect linkages between wetlands on this site (including rare plant habitat), with Willow Creek, the Willow Creek Natural Area to the south, and the protected wetlands on site H3 to the east. The designated Restoration corridor provides for more wetland habitat connected with Willow Creek, and provides a broad geographic connection with the WCNA. These linkages make the wetland designations for the Speedway site consistent with Policy 3.8.

Policy 4.1 Mitigation efforts shall help to reestablish a connected system of wetlands, waterways and upland resources.

This policy provides direction on where to conduct mitigation projects that replace

authorized impacts on other sites, that is, in places where they will contribute to the connectedness of wetlands, waterways and upland natural areas. Designation of a 900 foot corridor, south of the Speedway facility, along the eastern edge of the property would facilitate future mitigation in an area that would provide a connection of wetlands on-site to Willow Creek and the Willow Creek Natural Area to the south. The 900 foot width provides a better connection with the WCNA than a narrower corridor would because it has a broader shared boundary with the WCNA. The wider connection provides more points of access for animal movement, more contact with wind-borne seeds and more buffering effect for the WCNA by keeping development further from sensitive rare plant areas. These aspects of the wetland designations for the Speedway site make them consistent with Policy 4.1.

Policy 4.3 "Mitigation efforts shall concentrate on restoring wetland type, habitat, functions and values that represent the historic ecological landscape of the Amazon Creek basin."

Most of the historic wetlands on the valley floor of the Willamette River valley were wet prairie wetlands. These seasonally wet prairies historically comprised approximately 400,000 acres in the valley. Designation of the restoration corridor along Willow Creek will enhance the chances of restoration of the wet prairie habitat on the site, where existing wet prairie provides a natural seed bank. We conclude that designation of the Restoration corridor is consistent with Policy 4.3.

D. Additional Criteria for Approval of Refinement Plan Amendments

The following sections address the remaining approval criteria in the Eugene Code for refinement plan amendments.

Section 9.145 (2)(c) "The plan amendment is found to address one or more of the following: 1. An error in the publication of the plan;

Not applicable.

Section 9.145 (2)(c) 2. "A change of circumstances in a substantial manner not anticipated in the plan;"

Not applicable.

Section 9.145 (2)(c)3. "Incorporation into the plan of new inventory material which relates to a statewide goal; or"

The wetlands on this site have been re-delineated and new rare plant inventories have been conducted on this site. Re-delineation was required by a policy in the original

WEWP. In addition, the DSL and the Corps, in their respective approvals of the WEWP as a Wetland Conservation Plan, did not approve the designation of this site and sent it back for revision. Since Goal 5 consistency for wetland related resources in the Plan area depends upon WCP approval by DSL (in accordance with ORS 196.686(8)), the designation for this site must be amended.

Section 9.145 (2)(c) 4. "A change in public policy."

Not applicable.

E. Summary of Consistency with Approval Criteria

The above analysis has shown that the designations for the Speedway site (H2) described herein are consistent with the West Eugene Wetlands Plan wetland designation criteria and the criteria for adoption of a refinement plan amendment.

C:\User\NEIL\WEWPAM\Site Amendments 2000\July 24, 2000 Packet\7-24_Speedway Ordinance, Exhibit C, Findings-3b.wpd—September 18, 2000

COUNCIL ORDINANCE NUMBER 20259

COUNCIL BILL NUMBER 4796

AN ORDINANCE AMENDING THE WEST EUGENE WETLANDS PLAN TO REDESIGNATE PROPERTY WITHIN THE MODIFIED PROJECT ALIGNMENT OF THE WEST EUGENE PARKWAY FROM PROTECT AND RESTORE TO PLANNED TRANSPORTATION CORRIDOR; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

DATE SUBMITTED: July 8, 2002

ADOPTED: July 8, 2002

PASSED: 4/4 (Mayor vote in affirmative)

ABSENT:

OPPOSED: Taylor, Kelly, Bettman & Rayor

REJECTED:

ABSTAINED:

DEFERRED TO:

FIRST READING: July 8, 2002

SECOND READING: July 8, 2002

ORDINANCE NO. 20259

AN ORDINANCE AMENDING THE WEST EUGENE WETLANDS PLAN TO REDESIGNATE PROPERTY WITHIN THE MODIFIED PROJECT ALIGNMENT OF THE WEST EUGENE PARKWAY FROM PROTECT AND RESTORE TO PLANNED TRANSPORTATION CORRIDOR; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds that:

A. On May 20, 1992, the Eugene City Council adopted Ordinance No.19853 adopting the West Eugene Wetlands Special Area Study, a refinement plan to the Eugene-Springfield Metropolitan Area General Plan, subsequently amended in part by Ordinance No. 19867 adopted by the City Council on August 10, 1992.

B. On March 6, 1995, the Eugene City Council adopted Ordinance No. 20002 amending the West Eugene Wetlands Special Area Study and changing the name to the West Eugene Wetlands Plan.

C. On May 20, 1998, the City Council enacted Ordinance No. 20119, amending the West Eugene Wetlands Plan to establish the new Planned Transportation Corridor and Utility Corridor wetland designations; on July 8, 1998 enacted Ordinance No. 20126, adopting new or revised Plan policies and text; on February 22, 1999 enacted Ordinance No. 20147, adopting Planned Transportation Corridor wetland designations for City of Eugene properties located within the West 18th and West 11th Avenue Road Improvement Projects; on October 11, 1999 enacted Ordinance No. 20171 amended Ordinance No. 20126 to adopt new and revised policies related to the criteria for wetland designations consistent with Board Ordinance No. PA 1133; on July 26, 2000 enacted Ordinance No. 20200, adopting new or revised wetland designations for various sites within the Plan boundary and related policy and text amendments; on August 7, 2000 enacted Ordinance No. 20201, adopting new wetlands designations for the Hyundai site and related text amendments; and on September 11, 2000 enacted Ordinance No. 20208, adopting new wetlands designations for the Speedway site and related text amendments.

D. Following a joint public hearing with the Lane County and Springfield Planning Commissions and the Lane County Roads Advisory Committee on February 20, 2002, the Eugene Planning Commission met on March 18, April 8 and April 15, 2002 and recommended to the Eugene City Council that the amendments to the West Eugene Wetlands Plan to redesignate property within the modified project alignment of the West Eugene Parkway from protect and restore to planned transportation corridor, not be adopted (motion to adopt failed, 0:6).

E. On May 29, 2002, the City Council conducted a joint public hearing with the Lane County Board of Commissioners, Springfield City Council, and Lane Transit District Board of Directors on these amendments and is now ready to take action based upon the above recommendations and the evidence and testimony already in the record as well as the evidence and testimony presented at the public hearings held on adopting revisions to the West Eugene Wetlands Plan.

F. Substantial evidence exists within the record that the proposal meets the requirements of Chapter 9 of the Eugene Code, 1971 and the requirements of applicable state and local law as described in the findings adopted in support of this Ordinance.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The West Eugene Wetlands Plan, as adopted by Ordinance No. 19853 and amended by Ordinance No. 19867, Ordinance No. 20002, Ordinance No. 20119, Ordinance No. 20126 (as amended by Ordinance No. 20171), Ordinance No. 20147, Ordinance No. 20171, Ordinance No. 20200, Ordinance No. 20201 and Ordinance No. 20208 is hereby further amended as set forth in Exhibit A attached and incorporated herein by this reference.

Section 2. Although not part of this Ordinance, the findings in attached Exhibit B are adopted in support of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 4. Notwithstanding the provisions of the Eugene Charter of 1976, amendments to the West Eugene Wetlands Plan adopted by Exhibit A to this Ordinance shall not become effective until identical provisions are adopted by the Lane County Board of Commissioners.

Passed by the City Council this

8th day of July, 2002

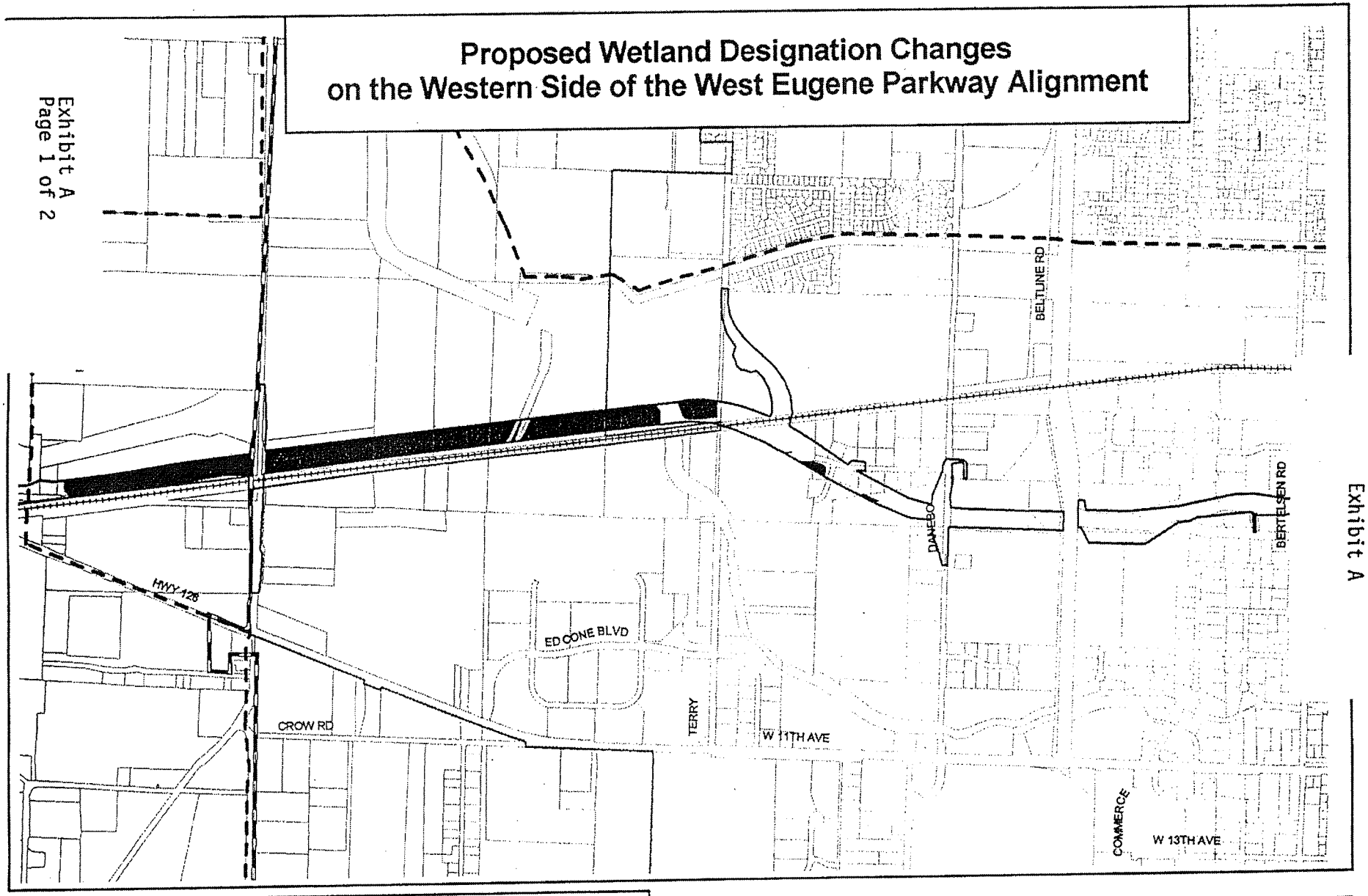
Kathleen L. Fieland
City Recorder

Approved by the Mayor this

8th day of July, 2002

James D. Torrey
Mayor

Proposed Wetland Designation Changes on the Western Side of the West Eugene Parkway Alignment



Legend

Proposed Wetland Designations
- Planned Transportation Corridor
- Parkway Alignment
- Tax Lots
- Wetland Plan Boundary
- City Limits
- Urban Growth Boundary
- Railroads

N W E S

0 1000 2000 3000 Feet

Produced by City of Eugene
Planning and Development Department
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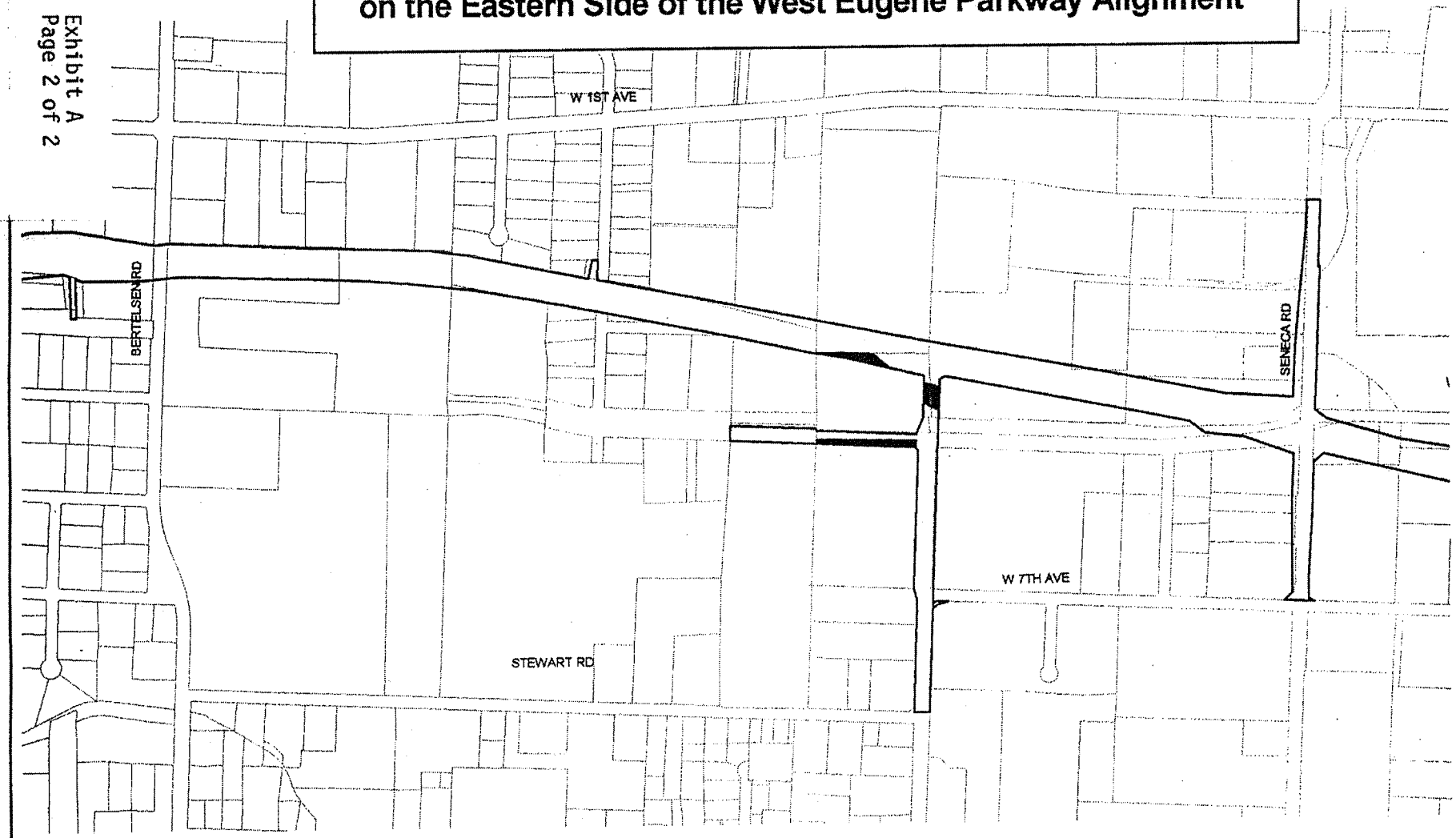
Layout 4
January 2, 2002

Proposed Wetland Designation Changes on the Eastern Side of the West Eugene Parkway Alignment



Legend

Proposed Wetland Designations
- Planned Transportation Corridor
- Parkway Alignment
- Tax Lots
- Wetland Plan Boundary
- City Limits
- Urban Growth Boundary
- Railroads

N W E S

0 500 1000 1500 Feet

Produced by City of Eugene
Planning and Development Department
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Layout 5
January 2, 2002

Exhibit B

Findings of Consistency of West Eugene Wetlands Plan Amendments with Refinement Plan Amendment Criteria

The West Eugene Wetlands Plan was adopted as a refinement plan to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) by the Eugene City Council and Lane County Board of Commissioners in 1992. The West Eugene Wetlands Plan was amended by these adopting officials in 1995, 1998, 1999 and 2000. The amendments are incorporated in the November 2000 West Eugene Wetlands Plan.

The West Eugene Wetlands Plan is an approved wetland conservation plan as defined in ORS 196.800(15). Approval for the plan as a Wetland Conservation Plan was originally granted by the Oregon Division of State Lands in September 1994. DSL's approval was amended by Final Order 97-003 in September 1997. In 1999, as required by ORS 196.684, DSL conducted a five-year review of plan implementation and issued Modified Final Order 99-003. On April 18, 2002, Division of State Lands Final Order 02-001 approved the amended West Eugene Wetlands Plan (November 2000), with conditions, as a Wetland Conservation Plan under ORS 196.678 to ORS 196.684. Generally, conditions relate to Plan reporting and implementation; additional conditions related to Plan amendment and five-year DSL review cite ORS 196.684 requirements.

Section 9.8424 of the Eugene Land Use Code and Section 9.145(2) of the Lane Code Urbanizable Area Land Use and Zoning list the criteria for refinement plan amendments. The Eugene Land Use Code applies within the Eugene City limits; the Lane Code Urbanizable Area Land Use and Zoning applies within the area between the Eugene city limits and the urban growth boundary. In the findings below, text from the Eugene Land Use Code is printed in bold; text from the Lane Code Urbanizable Area Land Use and Zoning (where there is comparable text) is printed directly under the Eugene Land Use Code text and is <u>underlined</u>.

The findings below demonstrate that the amendments to the West Eugene Wetlands Plan to apply the Planned Transportation Corridor wetland designation to specific properties along the West Eugene Parkway Modified Project alignment are consistent with the criteria for refinement plan amendments. The planned transportation corridor policy in the West Eugene Wetlands Plan (WEWP) was analyzed for consistency with the Statewide Planning Goals, all applicable policies from the Metropolitan Area General Plan (Metro Plan) and the remaining policies of the WEWP at the time of adoption of the policy in 1998. Therefore, site designations that are consistent with the planned transportation corridor policy are considered consistent with the Statewide Planning Goals, Metro Plan and remaining WEWP policies as well. Even though demonstration of consistency with this WEWP policy would be sufficient to establish consistency with the Statewide Planning Goals and Metro Plan, findings of consistency with the Statewide Planning Goals and the Metro Plan are provided below to further establish authority for the proposed amendments.

Section 9.8424 (1) **The plan amendment is consistent with all of the following:**
Section 9.145(2) ... the proposed change is consistent with the following approval criteria

(a) Statewide Planning Goals
[Comparable refinement plan amendment criterion not included in Lane Code Urbanizable Area Land Use and Zoning.]

The Eugene-Springfield Metropolitan Area General Plan is a local comprehensive plan acknowledged by the state's Land Conservation and Development Commission, and the West Eugene Wetlands Plan is an adopted refinement plan to the Metro Plan. The West Eugene Wetlands Plan is also an approved wetland conservation plan as defined in ORS 196.800(15).

These amendments to the West Eugene Wetlands Plan affect properties which have received the Protect or Restore wetland designations through previous planning actions. These amendments are changes to the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan. This map applies one or more of several defined wetland designations to each inventoried wetland in the study area. These amendments only involve the application of the "Planned Transportation Corridor" designation. This designation is applied to areas previously designated for restoration or protection to allow needed roadway improvements.

Findings supporting exceptions to Statewide Planning Goals 3, 4, 11 and 14 for the West Eugene Parkway Modified Project and demonstrating project consistency with other applicable Statewide Planning Goals, prepared for the Oregon Department of Transportation, are incorporated by reference in this document and attached as Exhibits "C-1," "C-2," and "C-3" to the findings for the amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan and are incorporated herein by this reference. The Exhibit "C-1," "C-2," and "C-3" findings address only that portion of the West Eugene Parkway that is west of Beltline, as portions east of Beltline have already been acknowledged as consistent with the Statewide Planning Goals.

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

Chapter 9 of the Eugene Code, 1971 establishes procedures for refinement plan amendments. Under the August 1, 2001 Land Use Code, notice requirements for refinement plan amendments exceed the notice requirements for Metro Plan amendments. On January 4, 2002, notice of the proposed amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan and the West Eugene Wetlands Plan was delivered to the Department of Land Conservation and Development. An amended notice, including revised date of final hearing, was delivered to the Department of Land Conservation and Development on February 1, 2002. On January 4, 2002, notice of the proposed amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan and the West Eugene Wetlands Plan was delivered to the Department of Land Conservation and Development. An amended notice, including revised date of final hearing, was delivered to the Department of Land Conservation and Development on February 1, 2002. Section 9.7520 of the Eugene Code requires that written notice of the refinement plan

amendment hearing and the nature of the request be mailed at least 30 days before the planning commission public hearing to the Lane County and Springfield planning directors, all neighborhood groups officially recognized by the city council and community organizations that have submitted written requests for notification. On January 18, 2002, written notice of the February 20, 2002 joint public hearing of the Eugene, Lane County and Springfield planning commissions and the Lane County Roads Advisory Committee (LCRAC) was mailed to a consolidated list of interested parties provided by the Oregon Department of Transportation (West Eugene Parkway list), Lane Council of Governments (TransPlan testimony list) and Eugene staff (West Eugene Wetlands Plan agency list and other interested parties). Approximately 1,500 notices were mailed. The Eugene code also requires that a legal ad be published at least 20 days in advance of the public hearing. The legal ad was published in the Eugene Register-Guard on January 30, 2002. In addition, the city has developed a West Eugene Parkway web site. The public hearing notice and maps and the staff report were published on the web site. This notification exceeds the requirements of the Eugene Code. The refinement plan amendment process includes two public hearings: the first before the planning commissions and roads advisory committee and the second before the adopting officials. Those who provided their mailing address with their written or oral testimony to the planning commissions and LCRAC received written notice of the joint adopting officials public hearing. These hearings provide ample opportunity for public involvement consistent with Goal 1. Therefore, these amendments to the West Eugene Wetlands Plan comply with Goal 1.

Goal 2: Land Use Planning

Goal 2, Land Use Planning includes two parts. Part I, Planning, addresses general planning and coordination requirements; Part II, Exceptions, addresses exceptions to statewide planning goals.

Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. The Goal defines "Affected Governmental Units" as "those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan." To comply with the Goal 2 coordination requirement, the City coordinated the adoption of these amendments with all affected governmental units. Specifically, notice was mailed to: Lane County, Springfield and Lane Transit District, which are parties to the decision; the Lane Council of Governments; the following Federal agencies: Federal Highway Administration, Bureau of Land Management, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Environmental Protection Agency, National Marine Fisheries Service, National Park Service, Federal Aviation Administration, and Department of Housing and Urban Development; and the following state agencies: Department of Transportation, Department of Land Conservation and Development, Division of State Lands, Department of Environmental Quality, Department of Energy, Department of Agriculture and State Historic Preservation Office.

Findings demonstrating an adequate factual base supporting the shift in West Eugene Parkway alignment from the 1990 Approved Design to the Modified Project and justifying exceptions to Statewide Planning Goals 3, 4, 11 and 14 are set forth in the following documents provided by

the Oregon Department of Transportation, which are attached to the findings for the amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan and are incorporated herein by this reference:

Exhibit "C-1": West Eugene Parkway Modified Project — Consistency with the Statewide Planning Goals and Transportation Planning Rule, prepared for ODOT by Mark J. Greenfield.

Exhibit "C-2": Alternatives Considered — West Eugene Parkway, prepared for ODOT by Jay McRae, CH2M Hill

Exhibit "C-3": Incompatible Adjacent Land Uses in the WEP Project Area, prepared for ODOT by Sheryl Christensen

Therefore, the amendments comply with Goal 2.

Goal 3: Agricultural Lands
To preserve and maintain agricultural lands.

Findings justifying an exception to Goal 3 for the portion of the West Eugene Parkway Modified Project alignment located outside the urban growth boundary are set forth in the following documents provided by the Oregon Department of Transportation, which are attached to the findings for the amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan and are incorporated herein by this reference:

Exhibit "C-1": West Eugene Parkway Modified Project — Consistency with the Statewide Planning Goals and Transportation Planning Rule, prepared for ODOT by Mark J. Greenfield.

Exhibit "C-2": Alternatives Considered — West Eugene Parkway, prepared for ODOT by Jay McRae, CH2M Hill

Exhibit "C-3": Incompatible Adjacent Land Uses in the WEP Project Area, prepared for ODOT by Sheryl Christensen

Goal 4: Forest Lands
To conserve forest lands . . .

Findings justifying an exception to Goal 4 for the portion of the West Eugene Parkway Modified Project alignment located outside the urban growth boundary are set forth in the following documents provided by the Oregon Department of Transportation, which are attached to the findings for the amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan and are incorporated herein by this reference:

Exhibit "C-1": West Eugene Parkway Modified Project — Consistency with the Statewide Planning Goals and Transportation Planning Rule, prepared for ODOT by Mark J. Greenfield.

Exhibit "C-2": Alternatives Considered — West Eugene Parkway, prepared for ODOT by Jay McRae, CH2M Hill

Exhibit "C-3": Incompatible Adjacent Land Uses in the WEP Project Area, prepared for ODOT by Sheryl Christensen

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

The Goal 5 natural resource inventory for the Eugene-Springfield Metropolitan Area General Plan acknowledged in 1982 is shown on Map 3, Metropolitan Area General Plan Background Report, Natural Features & Airport Limitation Areas. Following acknowledgment of the Metro Plan, in 1992, Eugene and Lane County adopted the West Eugene Wetlands Plan (WEWP), which expanded the wetlands inventory for this area. The WEWP was subsequently amended in 1995, 1998, 1999 and 2000.

The West Eugene Wetlands Plan is an approved wetland conservation plan as defined in ORS 196.800(15). Approval for the plan as a Wetland Conservation Plan was originally granted by the Oregon Division of State Lands in September 1994 and was amended by Final Order 97-003 in September 1997. In 1999, as required by ORS 196.684, DSL conducted a five-year review of plan implementation and issued Modified Final Order 99-003. On April 18, 2002, Division of State Lands Final Order 02-001 approved the amended West Eugene Wetlands Plan (November 2000), with conditions, as a Wetland Conservation Plan under ORS 196.678 to ORS 196.684. Generally, conditions relate to Plan reporting and implementation; additional conditions related to Plan amendment and five-year DSL review cite ORS 196.684 requirements.

The amendment to the West Eugene Wetlands Plan to apply the Planned Transportation Corridor to property within the West Eugene Parkway Modified Project alignment does not amend the policies of the West Eugene Wetlands Plan. Rather, it implements Policy 3.22 which states the circumstances under which the Planned Transportation Corridor wetland designation can be applied.

ORS 196.684(8) specifies the relationship between Wetland Conservation Plan approval and compliance with Goal 5:

> "Wetland conservation plans approved by the Director of the Division of State Lands pursuant to ORS 196.668 to 196.692 shall be deemed to comply with the requirements of any statewide planning goals related to wetlands, other than estuarine wetlands, for those areas, uses and activities which are regulated by the plan." [See also, ORS 197.279]

Approval of the West Eugene Wetlands Plan by the Oregon Division of State Lands (DSL) as provided by law, satisfies all the requirements of any applicable statewide planning goal related to wetlands (including Goal 5) for those areas, uses and activities which are regulated by the plan.

The findings of goal compliance made as part of initial adoption of the WEWP and of adoption of subsequent amendments remain essentially unaffected by these amendments. The 1992 West Eugene Wetlands Plan designated the wetlands along the West Eugene Parkway Approved Design for development. As a result, this project was anticipated and incorporated in the West Eugene Wetlands Plan. The Planned Transportation Corridor wetland designation, adopted and acknowledged in 2000, has also been approved with other amendments to the West Eugene

Wetlands Plan by DSL Final Order 02-001, April 18, 2002. The northern alignment studied in the draft SDEIS was selected as the Preferred Alternative because it reduced impacts to high-quality wetlands. As a result of these factors, previous findings of Goal 5 compliance remain essentially unaffected by shifting the alignment from immediately south of the railroad tracks to immediately north of the railroad tracks.

The fundamental program developed for Goal 5 compliance essentially remains unchanged. The policies and criteria of the WEWP operate as a tool to further Goal 5 compliance by assisting in determining the significance of wetland resources, the conflicts and the economic, social, environmental and energy values involved in protecting the resource. That analysis approaches the wetlands of West Eugene as part of an interconnected natural system rather than as separate, discrete sites. The focus remains inside the West Eugene Wetlands Plan boundary, keeping in mind that the larger system of which these wetlands are a part extends beyond this and other political boundaries.

The West Eugene Wetlands Plan was developed in coordination with several key state and federal agencies involved in wetlands regulation and planning: Division of State Lands (DSL), Army Corps of Engineers (ACOE), Environmental Protection Agency (EPA), and the United States Fish and Wildlife Service (USFWS). The Plan was also coordinated with local offices of other applicable local, state and federal agencies. ODOT has requested comments from these agencies on the August 1997 Draft Supplemental Environmental Impact Statement for the West Eugene Parkway.

In 2000, the Bureau of Land Management was offered cooperator status in preparation of the Supplemental Final Environmental Impact Statement for the West Eugene Parkway. In October 2000 BLM accepted formal cooperator status and has submitted comments on the August 1997 Draft Supplemental Environmental Statement.

Findings demonstrating compliance of the West Eugene Parkway Modified Project alignment with Goal 5 are set forth in Exhibit "C-1," which is attached to the findings for the amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan and is incorporated herein by this reference: West Eugene Parkway Modified Project — Consistency with the Statewide Planning Goals and Transportation Planning Rule, prepared for ODOT by Mark J. Greenfield.

The amendments are consistent with the applicable policies of the Metro Plan and the November 2000 West Eugene Wetlands Plan, which has been adopted as a Wetland Conservation Plan by the Oregon Division of State Lands. Therefore, these amendments to the West Eugene Wetlands Plan comply with Statewide Planning Goal 5.

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

Findings demonstrating compliance of the West Eugene Parkway Modified Project alignment with Goal 6 are set forth in Exhibit "C-1," which is attached to the findings for the amendments

to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan and is incorporated herein by this reference: West Eugene Parkway Modified Project — Consistency with the Statewide Planning Goals and Transportation Planning Rule, prepared for ODOT by Mark J. Greenfield.

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

Findings demonstrating compliance of the West Eugene Parkway Modified Project alignment with Goal 7 are set forth in Exhibit "C-1," which is attached to the findings for the amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan and is incorporated herein by this reference: West Eugene Parkway Modified Project — Consistency with the Statewide Planning Goals and Transportation Planning Rule, prepared for ODOT by Mark J. Greenfield.

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

In July 2001, the Bureau of Land Management approved the Recreation, Access, and Environmental Education Plan for the West Eugene Wetlands. This Plan was prepared jointly by the Bureau of Land Management, City of Eugene and Lane Council of Governments. Following page 5 of the Plan is a map entitled "All Proposed Facilities." The West Eugene Parkway Modified Project alignment is shown as "Planned Parkway Alignment." The West Eugene Parkway Modified Project alignment is also shown on the map entitled "Management Areas" following page 20 of the Plan as "Planned West Eugene Parkway."

Page 20 of the report states: "In the event that the West Eugene Wetland Plan is amended in the future to allow for new or planned roadways or other project, the management areas Map would be refined accordingly." Therefore, although the Planned Transportation Corridor wetland designation had not been applied to the Modified Project alignment at the time the Recreation, Access, and Environmental Education Plan for the West Eugene Wetlands was approved, this Plan acknowledged the West Eugene Parkway Modified Project alignment as a planned project and provided for further refinement of the plan following amendment to the West Eugene Wetlands Plan to apply the Planned Transportation Corridor wetland designation.

Findings demonstrating compliance of the West Eugene Parkway Modified Project alignment with Goal 8 are set forth in Exhibit "C-1," which is attached to the findings for the amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan, and is incorporated herein by this reference: West Eugene Parkway Modified Project — Consistency with the Statewide Planning Goals and Transportation Planning Rule, prepared for ODOT by Mark J. Greenfield.

Goal 9: Economic Development
To provide adequate opportunities throughout the state for a variety of economic activities vital

to the health, welfare, and prosperity of Oregon's citizens.

Since these amendments only apply the Planned Transportation Corridor designation to non-buildable areas (i.e., wetlands designated for protection or restoration) and the designation only allows road improvements, they do not affect the buildable land inventory. This finding is also based upon these facts:

1. The areas designated by these amendments for Planned Transportation Corridor are vacant, undeveloped areas. Therefore, these amendments will not apply to existing development, and do not apply new land use restrictions to existing development.

2. There are no impacts to the buildable lands inventory resulting from these amendments since they involve a change in designation from a non-developable category ("Protect" or "Restore") to another category allowing only roadway improvements ("Planned Transportation Corridor").

Industrial Lands: These amendments to the West Eugene Wetlands Plan will not reduce the acreage of land currently available for industrial development, since they affect only land that was previously unavailable for development. Consequently, they leave adequate developable industrial land within the Eugene-Springfield metropolitan area within the 20-year planning period. Therefore, these amendments are consistent with Goal 9 with respect to industrial land.

Commercial Lands: These amendments do not include any land designated for commercial use in the Metropolitan Area General Plan.

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

The West Eugene Parkway does not directly impact any area identified for housing. Therefore, these amendments do not affect compliance with Goal 10.

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

Findings demonstrating compliance of the West Eugene Parkway modified project located inside the urban growth boundary and justifying an exception to Goal 11 for the portion of the West Eugene Parkway Modified Project alignment located outside the urban growth boundary are set forth in the following documents provided by the Oregon Department of Transportation, which are attached to the findings for the amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan and are incorporated herein by this reference:

Exhibit "C-1": West Eugene Parkway Modified Project — Consistency with the Statewide Planning Goals and Transportation Planning Rule, prepared for ODOT by Mark J. Greenfield.

Exhibit "C-2": Alternatives Considered — West Eugene Parkway, prepared for ODOT by Jay

McRae, CH2M Hill

Exhibit "C-3": Incompatible Adjacent Land Uses in the WEP Project Area, prepared for ODOT by Sheryl Christensen

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

The West Eugene Parkway was first proposed as the "6th/7th Extension" in the T-2000 Plan adopted in 1978 by Eugene, Springfield, Lane County and the Lane Transit District. The public reviewed and commented on a draft Environmental Impact Statement (EIS) for the project in 1985-86. That process determined the general route of the proposed 4-lane roadway, which was re-named the West Eugene Parkway. Under the provision of the City Charter that requires a vote on a limited-access throughway, the City Council placed a measure on the ballot in November 1986 asking whether or not the West Eugene Parkway should be constructed along the east-west route preferred by the City Council. The voters approved the measure.

The project was included in the 1986 TransPlan, which superseded the T-2000 Plan. Although a final EIS was issued in 1990, subsequent funding constraints and environmental concerns resulted in phasing the project in four distinct phases, and additional environmental studies to augment the original EIS work. A draft supplemental EIS was issued for public comment in 1997, and the final supplemental EIS is pending.

On December 2000, Eugene received a letter from ODOT specifying land use actions necessary to move forward with the conclusion of the final supplemental Environmental Impact Statement for the West Eugene Parkway and construction of Unit 1-A of that project. Although state administrative rules do not require completion of land use actions for future phases of a project prior to issuance of an Environmental Impact Statement, both the federal Bureau of Land Management (BLM) and the Federal Highway Administration (FHWA) had submitted letters to ODOT stating that all land use actions must be completed prior to issuance of the final supplemental Environmental Impact Statement for the West Eugene Parkway.

In November 2001, Eugene voters approved a ballot measure directing the City "to pursue funding and transportation and land use approvals to facilitate construction of the West Eugene Parkway."

Applying the Planned Transportation Corridor wetland designation to the Modified Project alignment will complete the West Eugene Wetlands Plan wetland designation changes required to allow conclusion of the final supplemental Environmental Impact Statement and construction of the West Eugene Parkway. Therefore, these amendments comply with Goal 12.

Goal 13: Energy Conservation
To conserve energy.

Findings demonstrating compliance of the West Eugene Parkway Modified Project alignment with Goal 13 are set forth in Exhibit "C-1" provided by the Oregon Department of

Transportation, which is attached to the findings for the amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan are is incorporated herein by this reference:: West Eugene Parkway Modified Project — Consistency with the Statewide Planning Goals and Transportation Planning Rule, prepared for ODOT by Mark J. Greenfield.

Goal 14: Urbanization
To provide for an orderly and efficient transition from rural to urban land use.

Findings demonstrating compliance with Goal 14 for the portion of the West Eugene Parkway Modified Project alignment located within the urban growth boundary and justifying an exception to Goal 14 for the portion of the West Eugene Parkway Modified Project alignment located outside the urban growth boundary are set forth in the following documents provided by the Oregon Department of Transportation, which are attached to the findings for the amendments to TransPlan, the Metro Plan and the Lane County Rural Comprehensive Plan and are incorporated herein by this reference:

Exhibit "C-1": West Eugene Parkway Modified Project — Consistency with the Statewide Planning Goals and Transportation Planning Rule, prepared for ODOT by Mark J. Greenfield.

Exhibit "C-2": Alternatives Considered — West Eugene Parkway, prepared for ODOT by Jay McRae, CH2M Hill

Exhibit "C-3": Incompatible Adjacent Land Uses in the WEP Project Area, prepared for ODOT by Sheryl Christensen

Goal 15: Willamette River Greenway
Goal 16: Estuarine Resources
Goal 17: Coastal Shorelands
Goal 18: Beaches and Dunes
Goal 19: Ocean Resources

These goals do not apply.

(b) Applicable provisions of the Metro Plan

(a) The plan amendment is consistent with the Metropolitan Area General Plan;

The thrust of the West Eugene Wetlands Plan has been to attempt to balance development within wetland areas with protection of the most valuable wetlands, and replacement of lost wetlands through mitigation. These amendments are consistent with that approach, in that any wetlands filled within the Planned Transportation Corridor would be replaced through mitigation. Furthermore, this approach is supported by Metro Plan policies listed below, which call for protection of wetlands as well as maintaining adequate land for development. The process of designating wetlands for protection and development is, in part, directed by state and federal laws, which set forth guidelines for determining whether a given wetland can be filled and developed. Within this regulatory context, the proposed amendments are appropriate and consistent with Metro Plan policy.

The Metropolitan Plan contains the following policies which address the proposed amendments (related findings follow each policy):

Economic Policy 18, page III-B-5: "Encourage the development of transportation facilities which would improve access to industrial and commercial areas and improve freight movement capabilities by implementing the policies and projects in the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan). . ."

The primary purposes of the West Eugene Parkway, as stated in the Supplemental Environmental Impact Statement (August 1997), include:

- Provide a major access-controlled east-west connecting arterial for intra- and inter-regional and citywide travel through the western half of the City of Eugene, between Highway 126 to the west and the I-5/I-105 corridor to the east.
- Improve access to the West Eugene industrial area via direct connections with only strategic crossroads, thereby supporting orderly and planned growth.

These amendments will facilitate construction of the West Eugene Parkway and are therefore consistent with this policy.

Environmental Resources Policy 18, page III-C-9: "Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.

The West Eugene Wetlands Plan was developed to manage development in and around wetlands in West Eugene, which is sufficient to meet this policy. This policy does not give direction for protection of resources on individual sites.

Environmental Resources Policy 28, page III-C-10: "Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input."

Findings in quotations were provided by the Oregon Department of Transportation:

"The Approved Design for the West Eugene Parkway was selected in the 1990 Record of Decision (ROD) after completion of a Final Environmental Impact Statement. Subsequent to issuance of the FEIS in 1990, new inventory information was developed, and regulatory provisions codified, regarding wetlands and rare plant species in West Eugene. Specifically, it became apparent that the Approved Design could result in substantial impacts to rare wetlands and to "endangered" or "threatened" plant species that are concentrated in the west end of the project and south of the railroad tracks. These new circumstances prompted the need to reevaluate the WEP alignment west of Terry Street to the Highway 126 connection."

To address this new information, and other issues related to traffic operations, a Modified

Project was developed. The Modified Project was evaluated through a Supplemental Environmental Impact Statement published in 1997.

"The Modified Project was selected as the Preferred Alternative over the Approved Design for the following reasons:

- The Modified Project has less impacts on state and federally listed species. The Approved Design would have required removing 22 plants of the Willamette Valley Daisy and 17 clumps with 2,200 stems of the White-topped aster. The Modified Project will require removal of no Willamette Valley daisies and 3 clumps with 517 stems of the White-topped aster. The Modified Project is "likely to adversely affect" Fender's blue butterfly because of the possibility of incidental takes resulting from butterfly impacts with vehicles using the facility. The Approved Design would have had similar or greater impacts to the butterfly since the alignment of that alternative is closer to the nearest population of Kincaid's lupine known to be serving as a host to the butterfly."

"Three species found in the area of the West Eugene Parkway were federally listed as threatened or endangered under the Endangered Species Act on January 25, 2000, after release of the Supplemental Draft Environmental Impact Statement: Fender's blue butterfly, its host plant Kincaid's lupine, and the Willamette Valley Daisy.

"A Biological Assessment was prepared in 1996 to evaluate project impacts to the federally listed Bradshaw's lomatium, the Willamette Valley daisy (which was proposed for listing at that time), and White-topped aster (a species of concern). ODOT initiated informal consultation with U.S. Fish and Wildlife Service (USFWS) and received concurrence from USFWS that the project would have no effect on those species in a letter dated March 26, 1997.

"ODOT prepared a Biological Assessment of project impacts to Fender's blue butterfly and Kincaid's lupine and initiated formal consultation with USFWS in December 1999, prior to the formal listing of those species. USFWS prepared a Biological Opinion (June 6, 2000) which concurred with ODOT's determination that the project would have no effect on Kincaid's lupine and was likely to adversely affect but not jeopardize Fender's blue butterfly. The Biological Opinion reiterated USFWS's early concurrence that the [Modified] project would have no effect on Bradshaw's lomatium, the Willamette Valley daisy, or White-topped aster."

Under these amendments the majority of known populations of listed rare plants in the Plan area would be protected and Fender's blue butterfly, while likely to be adversely affected, will not be jeopardized. Therefore, these amendments are consistent with this policy.

Environmental Design Policy 2, page III-E-3: "Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practicable, considering the economic, social, environmental and energy consequences in the design and construction of

urban development and landscaping shall be utilized to enhance those natural features."

The overall impact of the West Eugene Wetlands Plan, including these amendments, is to protect the majority (over 1100 acres out of approximately 1500 acres) of wetlands and waterways in the Plan area. This includes protecting natural vegetation on these sites and restoration of native habitat on several hundred acres. When the West Eugene Wetlands Plan was adopted in 1992, wetlands within the West Eugene Parkway Approved Design were designated for development. Since the Planned Transportation Corridor wetland designation was not added to the Plan until 1998, the only wetland designation option available at that time to allow construction of the West Eugene Parkway was "Develop." The "Develop" designation, however, would also allow other private development as well as roadway construction. Concurrent with the preparation of amendments to the West Eugene Wetlands Plan, a West Eugene Parkway Modified Project was also being developed, and was proposed in the August 1997 Supplemental Environmental Impact Statement, which would reduce impacts to rare wetlands and to "endangered" or "threatened" plant species that are concentrated in the west end of the project and south of the railroad tracks.

Recognizing that retaining the "Develop" designation for property along the Approved Design route would allow for a full-range of private development, not just roadway construction, this property was redesignated to "Protect" in 2000 by Eugene Ordinance No. 20200 and Lane County Ordinance No. PA 1107, adopting new or revised wetland designations for various sites within the Plan Boundary. The elected officials were advised at that time that amendments to apply the Planned Transportation Corridor designation for the Modified Project alignment would be processed following selection of the Modified Project as the preferred alternative. Exhibit A to these ordinances provides an asterisk footnote in the table listing the existing and proposed designations for sites which reads: "The Eugene and Lane County Planning Commissions recommended that these sites be designated wholly or in part for Planned Transportation Corridor to accommodate the proposed northern alignment of the West Eugene Parkway (WEP). However, the amendments for the WEP will be processed at a later date, and are therefore not included in this ordinance." The Modified Project has now been selected as the Preferred Alternative, allowing these amendments to move forward. The shift in the West Eugene Parkway alignment has reduced the impacts of this transportation project on high-quality wetlands. These amendments apply the Planned Transportation Corridor designation to wetlands currently designated for protection or restoration along the Modified Project route. The Planned Transportation Corridor policy requires that if the West Eugene Parkway is not constructed, the area cannot be filled for any other purpose. Therefore, these amendments are consistent with this policy.

(c) Remaining portions of the refinement plan.

(b) The plan amendment is consistent with the remaining portions of the refinement plan;

As stated in the Introduction to the West Eugene Wetlands Plan (November 2000), the Plan "provides a framework for balancing natural resource protection and urban development."

Almost 1,500 acres of jurisdictional wetlands are included in the study area. These amendments will result in the redesignation of 41 acres to Planned Transportation Corridor. These acres are currently designated in the Plan as Protect or Restore.

This change in designation from Protect and Restore to Planned Transportation Corridor for the West Eugene Parkway Modified Project is offset, in part, by the previous Plan amendments redesignating 16.4 acres from Develop to Protect for wetlands along the West Eugene Parkway Approved Design. These acres are included under the "Protect" row in the "Current Acres" column in the table below.

The change in acres for each wetland designation category in the Plan due to the proposed amendments for the West Eugene Parkway is shown in the table below.

Wetland Designation	Current Acres	Proposed Acres	Change in Acreage
Planned Transportation Corridor	8.4	49.4	41
Protect	720.3	705.2	- 15.0
Restore	444.7	418.7	- 26.0
Develop	304.3	304.3	0.0
Utility Corridor	13.2	13.2	0.0
Total	1,491	1,491	

* Current acres includes property which received the Planned Transportation Corridor wetland designation through the 1999 and 2000 amendments to the West Eugene Wetlands Plan. This wetland designation is not currently applied to any property within either the West Eugene Parkway "Approved Design" or "Modified Project" alignments. Property within the West Eugene Parkway "Approved Design" alignment south of the railroad tracks designated Develop in the 1992 Plan were redesignated Protect through the 2000 amendments to the Plan.

The West Eugene Wetlands Plan contains several goals for resource protection. As defined on page iv of the West Eugene Wetlands Plan (November 2000), the goals are not mandatory and findings of consistency with the goals are therefore not required.

The West Eugene Wetlands Plan (November 2000) contains the following applicable policies (related findings follow the policies):

Policy 3.22: "Future fill within the Planned Transportation Corridors as shown on Wetland Designations Map (Map 3) shall be limited to those areas granted state and/or federal wetland fill permits for the construction of planned public roadway improvements. New roadway construction shall be limited to those projects listed in TransPlan as of August 10, 1992, excluding those projects listed in Appendix B; no other new roads or streets are permitted. Road widening and other improvements to existing roads or streets shall be limited to those listed in TransPlan (1992) or in an adopted capital improvement plan (CIP) as of June 30,

1998. Road widening and other improvements to existing roads or streets within wetlands designated for protection or restoration shall require an amendment of this plan to change the designation to "Planned Transportation Corridor" if the project is not listed in Trans Plan (1992) or in an adopted CIP as of June 30, 1998. In no case shall more than 1 acre (cumulative) of protected wetland be re-designated to Planned Transportation Corridor for improvement to an existing road or street."

The West Eugene Parkway was listed in TransPlan in 1986, was listed in TransPlan as of August 10, 1992, and constitutes "new roadway construction." When the West Eugene Wetlands Plan was adopted in 1992, wetlands within the West Eugene Parkway Approved Design were designated for development. Since the Planned Transportation Corridor wetland designation was not added to the Plan until 1998, the only wetland designation option available at that time to allow construction of the West Eugene Parkway was "Develop." The "Develop" designation, however, would also allow other private development as well as roadway construction. Concurrent with the preparation of amendments to the West Eugene Wetlands Plan, a West Eugene Parkway Modified Project was also being developed, and was proposed in the August 1997 Supplemental Environmental Impact Statement, which would reduce impacts to rare wetlands and to "endangered" or "threatened" plant species that are concentrated in the west end of the project and south of the railroad tracks.

Recognizing that retaining the "Develop" designation for property along the Approved Design route would allow for a full-range of private development, not just roadway construction, this property was redesignated to "Protect" in 2000 by Eugene Ordinance No. 20200 and Lane County Ordinance No. PA 1107, adopting new or revised wetland designations for various sites within the Plan Boundary. The elected officials were advised at that time that amendments to apply the Planned Transportation Corridor designation for the Modified Project alignment would be processed following selection of the Modified Project as the preferred alternative. Exhibit A to these ordinances provides an asterisk footnote in the table listing the existing and proposed designaitons for sites which reads: "The Eugene and Lane County Planning Commissions recommended that these sites be designated wholly or in part for Planned Transportation Corridor to accommodate the proposed northern alignment of the West Eugene Parkway (WEP). However, the amendments for the WEP will be processed at a later date, and are therefore not included in this ordinance." The Modified Project has now been selected as the Preferred Alternative, allowing these amendments to move forward. The shift in the West Eugene Parkway alignment has reduced the impacts of this transportation project on high-quality wetlands. These amendments apply the Planned Transportation Corridor designation to wetlands currently designated for protection or restoration along the Modified Project route. The Planned Transportation Corridor policy requires that if the West Eugene Parkway is not constructed, the area cannot be filled for any other purpose. Therefore, these amendments are consistent with this policy.

Policy 3.14: Implement wetland protection policies that prohibit development on wetlands designated for protection after those wetlands are acquired by a public agency or nonprofit organization (e.g., The Nature Conservancy).

Since some of the land within the West Eugene Parkway Modified Project alignment has been acquired by BLM through Land and Water Conservation Fund (LWCF) appropriations, the Eugene Planning Commission asked whether this policy is applicable to the application of the Planned Transportation Corridor wetlands designation to the West Eugene Parkway modified project alignment.

Policy 3.14 was intended to address the issue of timing for implementing development-prohibitive wetland protection policies. Such policies are not to be applied until after the subject wetlands have been acquired by a public or non-profit agency. The policy was not intended require the use of such protections.

Policy 3.14 is not applicable to the application of the Planned Corridor wetland designation for the following reasons:

1. Policy 3.22 establishing the Planned Transportation Corridor wetland designation and Policy 3.21 establishing the Utility Corridor wetlands designation allow these wetland designations to be applied to publicly-owned property. The findings for Eugene City Council Ordinance No. 20119 and Lane County Ordinance No. PA 1117 amending the West Eugene Wetlands Plan to establish these new wetland designations did not include Policy 3.14 as an applicable policy.
2. The findings for Eugene City Council Ordinance No. 20147 and Lane County Ordinance No. PA 1129 which applied the Planned Transportation Corridor wetland designation to City-owned property along West 11th and West 18th Avenues did not include Policy 3.14 to be an applicable policy.
3. Policy 3.14 directs implementation of policies which prohibit development on certain protected wetlands. Since the Planned Transportation corridor policy specifically allows fill of publicly-owned land for roadway construction in specific, limited circumstances this policy does not prohibit development.

Policy 3.8 "Establish, maintain and protect physical and hydrologic linkages between protected wetlands and adjacent transitional and upland wildlife habitat and natural areas."

ODOT has completed an hydrologic analysis for the project. The analysis noted that surface hydrology has already been substantially changed by development in the area, including the dike upon which the railroad is built and existing city, county, and state roads. The ditches that parallel these features and divert surface flows to waterways further modified surface hydrology. The analysis concluded that the WEP would not have a noticeable impact on hydrology because the railroad already acts as a barrier to overland flow of water and channels overland flow to ditches. Consideration of impacts to subsurface hydrology determined that the soils in the area were not prone to compaction and placement of fill for construction of the WEP would not affect subsurface hydrology.

The West Eugene Parkway roadway would be elevated to approximately the same level as the railroad from Amazon Creek to west of Green Hill Road, a distance of about 1.3 miles. A railroad grade parallels that 1.3-mile section of the WEP. The railroad creates a hydrologic

(d) New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.
[Comparable refinement plan amendment criterion not included in Lane Code Urbanizable Area Land Use and Zoning.]

This criterion does not apply.

(c) A change of circumstances in a substantial manner not anticipated in the plan;
(c)(2) A change of circumstances in a substantial manner not anticipated in the plan;

This criterion does not apply.

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