

NOTICE FOR *THE EUGENE REGISTER-GUARD*

On Monday, October 19, 2020, at 7:30 p.m., the Eugene City Council will conduct a public hearing on the following ordinance:

AN ORDINANCE CONCERNING TIME EXTENSIONS FOR APPROVED LAND USE APPLICATIONS AND PROVIDING AN EFFECTIVE DATE.

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this public hearing will be held remotely using virtual meeting technology. Information about online or other options for participation will be available by 5 p.m. on October 19, 2020, at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>. Written testimony may be sent to mayorcouncilandcitymanager@eugene-or.gov or to 125 E. 8th Avenue, 2nd floor, Eugene, OR 97401. Written testimony must be received by Monday, October 19, 2020, at 5 p.m.

This ordinance is posted on the City of Eugene website at <http://www.eugene-or.gov> and is also available by calling the City Manager's Office at 541-682-5010.

Notice posted on Sunday, October 4, 2020.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING TIME EXTENSIONS FOR APPROVED LAND USE APPLICATIONS AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds that:

A. To aid economic recovery in difficult economic conditions which exist due to the COVID-19 corona virus pandemic, the City Council wishes to be proactive and programmatic in granting a three-year extension to those unexpired development approvals that were granted by the City after a process that included a public notice and comment period.

B. For land use approvals that include an extended phasing plan, it is intended that the three-year extension be applied to the current phase of development and that the time periods for all phases be adjusted to accommodate the one-time extension granted by this Ordinance.

NOW, THEREFORE, based on the above findings,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The legislative findings attached as Exhibit A hereto are adopted in support of this Ordinance.

Section 2. The expiration dates for all Type II and III land use application approvals in effect on the date this Ordinance takes effect are hereby extended by three years. Further extensions for these land use approvals may be sought pursuant to Chapter 9 of the Eugene Code, 1971.

Section 3. For any Type II or III land use application approval with an executed performance agreement in effect on the date this Ordinance takes effect, each reference to a specific year within in the Time Schedule section of said performance agreement (referencing a commencement or a completion year) is hereby extended by three additional years.

Section 4. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

Passed by the City Council this

____ day of _____, 2020

City Recorder

Approved by the Mayor this

____ day of _____, 2020

Mayor

FINDINGS IN SUPPORT OF AN ORDINANCE CONCERNING TIME EXTENSIONS FOR APPROVED LAND USE APPLICATIONS AND PROVIDING AN EFFECTIVE DATE

City File Name: Expiration Extension for Approved Land Use Applications
City File Number: CA 20-3

Eugene Code (EC) Section 9.8065 requires that the proposed ordinance comply with the following approval criteria (in **bold**):

EC 9.8065(1): [The ordinance] Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

Findings addressing consistency with applicable statewide planning goals (shown in *italics*) are provided below.

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

The City has codified provisions for citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. Adoption of the proposed ordinance will follow the process for Type V land use applications as laid out in the City’s land use code, including requirements for public notice and comment. Additionally, adoption of the proposed ordinance only extends the effective date for land use applications that have already been approved. These approved land use applications have already undergone a codified process that involves citizens through public comment and/or hearings and appeal processes. Adoption of the proposed ordinance does not amend the City’s citizen involvement processes. The process for adopting this proposed ordinance complies with Goal 1 because it is consistent with, and will not change, the City’s existing and acknowledged citizen involvement provisions.

The Planning Commission public hearing on the proposed ordinance was duly noticed to the City of Springfield, Lane County, and all neighborhood organizations, as well as community groups and individuals who have requested notice. In addition, notice of the public hearing was also published in the Register Guard.

Application Notice Timeline	City Council Initiation	July 27, 2020
	DLCD Notice	July 30, 2020
	Public Notice	August 13, 2020
	Legal Notice in Register Guard	August 26, 2020

Table 1: Relevant Application Dates

Following the Planning Commission public hearing, a duly noticed, subsequent public hearing will be held by the City Council to consider final local approval, modification, or denial of the proposed ordinance. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 1.

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

The City's land use code specifies the procedures and criteria to be used for decisions and actions related to land use applications. The proposed ordinance does not change the planning process, policy framework or information relied on in making decisions and actions related to land use applications. The ordinance extends the time that Type II and III land use approvals are effective once the process has been completed and the policy framework and facts of each application have been determined and decided.

The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development.

There are no Goal 2 Exceptions required for the proposed ordinance. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

The proposed ordinance does not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. To conserve forest lands.

The proposed ordinance does not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

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

The proposed ordinance does not create or amend the City's adopted inventory of Goal 5 resources and does not amend any code provision adopted in order to protect a significant Goal 5 resource, or to address specific requirements of Goal 5. The proposed ordinance does not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does

not amend the City's acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

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

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

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

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The ordinance does not affect the City's existing restrictions and approval criteria regarding development in areas subject to natural disasters and hazards. The proposed action only extends the effective date for land use applications that have already been approved. Therefore, Statewide Planning Goal 7 does not apply.

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The proposed ordinance does not affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

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

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Employment Lands Supply Study 2012-2032 (ELSS) is included as appendix B in the City's comprehensive plan and complies with the requirements of Goal 9 and the corresponding Administrative Rule. The proposed ordinance does not affect the amount of land designated or zoned for commercial use and will have no direct impact on the existing supply of or any existing commercially designated land.

Goal 9 also requires cities consider methods and devices for overcoming certain regional conditions and deficiencies for implementing this goal, to include land use controls and

ordinances. The proposed ordinance related to timeline extensions is specifically intended help applicants overcome economic hardships by extending the expiration period for already approved land use applications. Therefore, to the extent applicable, the amendment is consistent with Statewide Planning Goal 9.

Goal 10 - Housing. *To provide for the housing needs of citizens of the state.*

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The proposed ordinance does not impact the supply or availability of residential lands included in the City's documented supply of "buildable land" that is available for residential development. Therefore, to the extent applicable, the proposed ordinance is consistent with Statewide Planning Goal 10.

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

The proposed ordinance does not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

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

Goal 12 is implemented through the Transportation Planning Rule (TPR, OAR 660-12). The proposed ordinance will not significantly affect any transportation facility, nor does it change procedures related to analyzing and mitigating impacts to the transportation system. This ordinance is limited to extending the expiration period for previously approved Type II and III land use applications, which were reviewed according to existing code and zoning regulations. As such, the developments have been or will be reviewed for compliance with applicable code provisions and regulations for maintaining a safe, convenient, and economic transportation system. Further, no change in the functional classification of streets will result from the proposed ordinance and no changes are proposed to the standards that implement the functional classification system. Therefore, the amendments are consistent with Statewide Planning Goal 12.

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

The proposed ordinance does not affect any of the City's energy conservation measures or programs. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use.*

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

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

The proposed ordinance does not include any changes that affect the regulation of areas within the adopted Willamette River Greenway boundaries. Therefore, Statewide Planning Goal 15 does not apply.

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

The proposed ordinance does not include any changes related to coastal, ocean, estuarine, or beach and dune resources. Therefore, these goals are not relevant, and the proposed ordinance will not affect compliance with Statewide Planning Goals 16 through 19.

EC 9.8065(2): [The ordinance] Is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.

The proposed ordinance granting timeline extensions for approved land use applications does not include any change in adopted land use designations or policy, nor does it change any requirements in the City's land use code concerning compliance with the Metro Plan, Envision Eugene Comprehensive Plan, or adopted refinement plans. There are no policies or other applicable provisions in the Metro Plan or adopted refinement plans that specifically serve as mandatory approval criteria in this instance or that otherwise limit the expiration period for approved land use applications. Therefore, the proposed ordinance complies with the above criterion.

EC 9.8065(3): In the case of establishment of a special area zone, [the ordinance] is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.

The proposed ordinance does not establish a special area zone. Therefore, this criterion does not apply.

CONCLUSION

Based on the available information and evidence, and the preceding findings of compliance, the proposed ordinance complies with the applicable approval criteria.