

Findings in Support of the Establishment of Urban Reserves for the City of Eugene

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

Statewide Planning Goal 1 – Citizen Involvement

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

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

The City’s and County’s citizen involvement programs were adopted into the Eugene Code, the County’s Code for the Eugene urban transition area and the Lane Code. They include a formal land use review procedure with public notification, meetings and hearings. The public engagement actions for the urban reserves work were completed consistently with the acknowledged citizen involvement programs and went far beyond the requirements of those programs to ensure that citizens had opportunities to be involved in the process.

The document titled *Eugene Urban Reserves Public Engagement Summary (Findings Appendix 1)* and included in the record, summarizes the public engagement efforts used to educate the public and obtain feedback on Urban Reserves for Eugene.

Statewide Planning Goal 2 – Land Use Planning

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

The Eugene and Lane County codes specify the procedures and criteria that were used in considering these amendments. These findings and the documents they reference show that the record includes an adequate factual base for the amendments. The record shows the City studied its future needs for land to accommodate employment, housing and public uses such as parks and schools (to accommodate needs beyond those expected to be addressed by the inventory of lands recently adopted as part of the UGB work acknowledged in 2017 and 2018), evaluated alternative courses of actions, and made ultimate policy choices based on the criteria addressed in more detail throughout these findings.

Consistent with the Goal 2 coordination requirement, there was a significant exchange, or invitation for such an exchange, between City of Eugene, Lane County and affected governmental units. Specifically relating to the subject action, *OAR 660-021-0020 “Authority to Establish Urban Reserve” states that “(1) Cities and counties cooperatively . . . may designate urban reserves under the requirements of this division, in coordination with special districts listed in OAR 660-021-0050(2)*

and other affected local governments, including neighboring cities within two miles of the urban growth boundary.”

The City and County coordinated with:

- The **Department of Land Conservation and Development (DLCD)**. DLCD was engaged through notice of the proposed action and regular contact with the City of Eugene’s regional representative.

The following local governments were engaged through notice of the proposed action and opportunity to comment:

- **City of Springfield**
- **City of Junction City**
- **City of Veneta**
- **City of Coburg**
- **City of Creswell**

The following agencies, organizations and special districts were engaged through direct coordination regarding the delivery of services to the study area:

- **Eugene Water and Electric Board (EWEB)**
- **Metropolitan Wastewater Management Commission (MWMC)**
- **Oregon Department of Transportation**
- **Lane Transit District (LTD)**

The following educational institutions were consulted with regard to their future land need, or lack thereof, within the Urban Reserves study area:

- **Lane Community College**
- **University of Oregon**
- **Bethel School District**
- **Eugene 4J School District**

In addition, to ensure an adequate factual base for the establishment of Eugene urban reserves, the City and County coordinated extensively throughout the project. This included City of Eugene Public Works Engineering (Wastewater, Stormwater, and Transportation) and Parks and Open Space Divisions, the City of Eugene Airport, Eugene Springfield Fire and EMS, and Lane County Land Management Division and Transportation Planning.

Urban reserves planning also included coordination with special district service providers located within the Eugene urban reserves, per OAR 660-021-0050. As discussed in the findings related to Goals 11 and 14, the City and County entered into urban reserve agreements with the following special districts:

- **Bailey-Spencer Rural Fire Protection District**
- **Eugene #1 Rural Fire Protection District**
- **Goshen Pleasant Hill Rural Fire Protection District**
- **Junction City Water Control District**

- Lane Fire Authority
- Lane Transit District (LTD)
- Santa Clara Rural Fire Protection District
- Willakenzie Rural Fire Protection District
- Willamalane Park and Recreation District
- Zumwalt Rural Fire Protection District

Statewide Planning Goal 3 – Agricultural Lands

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

The actions taken by this ordinance do not change the zoning, plan designation or regulations for any agricultural lands within the County. Agricultural lands that are within Eugene’s urban reserves will continue to be planned and zoned for agricultural use and will not be considered for urbanization until such time as Eugene pursues an urban growth boundary expansion through a separate process.

In addition, the process for selecting land for urban reserves requires that agricultural and forest lands be the last priority for inclusion after all suitable exception areas, nonresource land and marginal lands have been included, with higher priority given to land of lower capability (OAR 660-021-0030). The City and the County specifically selected a 27-year urban reserves option to limit the amount of agricultural land with Class I and II soils in the Eugene urban reserves.

Consideration of agricultural land is further addressed under Goal 14, specifically in response to OAR 660-021-0030(2) and (3):

OAR 660-021-0030(2) “Inclusion of land within an urban reserve shall be based upon the locational factors of Goal 14 and a demonstration that there are no reasonable alternatives that will require less, or have less effect upon, resource land.”

OAR 660-021-0030(3) “Land found suitable for an urban reserve may be included within an urban reserve only according to the following priorities ...(c) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.”

The City and County addressed the requirements of these rules in a study called the *Eugene Urban Reserves Study (Findings Appendix 2)* that is attached to these findings and incorporated herein by reference.

Statewide Planning Goal 4 – Forest Lands

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

The actions taken by this ordinance do not change the zoning, plan designation or regulations for any forest lands within the County. Forest lands that are within Eugene's Urban Reserves will continue to be planned and zoned for forest use and will not be considered for urbanization until such time as Eugene pursues an urban growth boundary expansion through a separate process.

In addition, the process for selecting land for urban reserves requires that agricultural and forest lands be the last priority for inclusion after all suitable exception areas, nonresource land and marginal lands have been included, with higher priority given to land of lower capability (OAR 660-021-0030). Consideration of forest land is addressed under Goal 14 in the same manner as the consideration of agricultural land, as described in Goal 3.

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

Statewide Planning Goal 5 -- "To protect natural resources and conserve scenic and historic areas and open spaces."

Both the City of Eugene and Lane County have adopted / acknowledged programs for protecting and conserving the types of resources, areas and spaces referenced in Statewide Planning Goal 5 for land within with the Metro Plan (outside the UGB) and land within the Rural Comprehensive Plan. All lands will retain their rural zoning and be subject to current rural regulations. The actions taken by this ordinance do not include any actions which would change the Goal 5 program of lands outside of Eugene's UGB.

To the extent it is relevant under Goal 5, as detailed in the *Eugene Urban Reserves Study (Findings Appendix 2)*, in the development of urban reserves, lands designated or zoned to protect natural resources are assumed to have no potential capacity for residential or employment development and are classified as "undevelopable" for the purposes of the establishment of urban reserves. The types of land that are Designated / Zoned to Protect Natural Resources and used in the Urban Reserves Land Supply Model are:

- Lane County Goal 5 adopted riparian corridors
- Lane County Goal 5 adopted wetlands (from the National Wetlands Inventory) or wetlands designated as protected in the West Eugene Wetlands Plan
- Critical habitat (federal and state-listed threatened and endangered species) from U.S. Fish and Wildlife Service and the Oregon Biodiversity Information Center
- Historic and cultural resources from the State Historic Preservation Office Oregon Historic Sites Database
- Designated Natural Areas on the Oregon State Register of natural Heritage Resources
- Natural Resources plan designations from the Eugene-Springfield Metropolitan Area Plan or Lane County Rural Comprehensive Plan

Also to the extent it is relevant under Goal 5, these land types are consistent with OAR 660-024-0065 "Establishment of Study Area to Evaluate Land for Inclusion in the UGB ...(c) the land consists of a significant scenic, natural, cultural or recreational resource described in this subsection." These are

lands which may be excluded from the preliminary study area when considering a UGB expansion. These natural and historic resource lands were identified as “undevelopable” for the purposes of establishment of the Eugene urban reserves in part to be consistent with state rules for UGB expansion, as urban reserves will be among the first land considered when expanding the UGB in the future.

Lastly, the environmental consequences of urbanization were evaluated as part of the Urban Reserves suitability analysis. This was done so as part of Goal 14, Locational Factor 3, Comparative environmental, energy, economic and social consequences, as described in the findings for Goal 14 and the *Eugene Urban Reserves Study Subarea Reports that are attached to the Eugene Urban Reserves Study (Findings Appendix 2)*. As noted above, existing regulations intended to address the protection of natural and historic resources in the context of proposed developments will continue to apply.

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

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

The State has not yet adopted specific requirements for complying with Statewide Planning Goal 6. The City and County are in compliance with environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. The actions taken are consistent with the jurisdictions’ future compliance with those laws.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards

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

The State has not yet adopted specific requirements for complying with Statewide Planning Goal 7. In determining which areas are appropriate for future addition to the City’s UGB and, therefore, included in urban reserves, the City and County considered the existence of natural hazards in terms of slope, flood hazards, and landslide risk. Together, they are categorized as “Land that is Severely Constrained by Natural Hazards;” identified and used in the Urban Reserves Land Supply Model are as follows:

- Federal Emergency Management Agency (FEMA) floodway and Special Flood Hazard Areas (100-year flood plain)
- Steep slopes ($\geq 30\%$); LiDAR data used to calculate slope
- High risk landslide areas (from Oregon Department of Geology and Mineral Industries)

To the extent it is relevant under Goal 7, for purposes of the Eugene urban reserves, lands that are severely constrained by natural hazards are assumed to have no potential capacity for residential or employment development and are categorized as “undevelopable.” Therefore, land containing significant hazards were removed from development capacity assumptions when selecting Eugene urban reserves.

Also to the extent it is relevant under Goal 7, these FEMA floodway and Special Flood Hazard Areas and DOGAMI high risk landslide areas are consistent with in OAR 660-024-0065 “Establishment of Study Area to Evaluate Land for Inclusion in the UGB ...(b) the land is subject to significant development hazards...” According to state rules, these lands may be excluded from the preliminary study area when

considering a UGB expansion. These natural hazard areas were identified as “undevelopable” for the purposes of establishment of the Eugene urban reserves in part to be consistent with state rules for UGB expansion, as urban reserves will be among the first land considered when expanding the UGB in the future.

To the extent it is relevant under Goal 7, risk from these hazards were evaluated as part of the Urban Reserves Study suitability analysis, primarily under Locational Factor 3, evaluation of Environmental Consequences, under the prompt, “to what extent would urbanization of this area increase the potential risk of natural hazards ...?” as described in the findings for Goal 14 and found in the *Eugene Urban Reserves Study Subarea Reports attached to the Eugene Urban Reserves Study (Findings Appendix 2)*. Existing regulations intended to address hazard areas in the context of proposed developments will continue to apply.

Statewide Planning Goal 8 – Recreation Needs

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

Goal 8 focuses on the provision of destination resorts. State statutes (e.g. ORS 195.120, 195.125) impose no park planning requirements on the City. The City’s actions do not implement a master plan for a particular park and, therefore, state administrative rules at OAR 660-0034 also impose no requirements.

Goal 8 does impose a general obligation on the City to plan for meeting its residents’ recreational needs: “(1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements.”

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

In planning for urban reserves, the City and County took into consideration the recreation needs of future residents in determining land need. Using the City’s Parks and Recreation System Plan (2018), the City developed a future level of service of 3.59 acres of neighborhood and community parks per 1,000 people in Eugene. The *Eugene Urban Reserves Land Need Model (Findings Appendix 4, attachment A)* uses this estimated level of service to determine the land need for neighborhood and community parks in Eugene urban reserves. Only neighborhood and community parks are considered because they would serve future neighborhoods and would traditionally require urban services. This approach is different from the estimation of land need for parks taken in the City and County’s most recent UGB adoption, where specific park acreage was used. Part of the reason for this difference is that, at the time of the UGB work, the City had an adopted list of expected parkland acquisitions for within the UGB, which doesn’t exist for urban reserves.

A number of existing parks and open space properties are included in the land encompassed by Eugene urban reserves, which will help serve the recreation needs of future residents. Public parks in the Eugene urban reserve are not considered developable for jobs or housing. Their value lies in providing recreation opportunities like hiking, bird watching, mountain biking and nature appreciation in perpetuity to Eugene's growing population. These parks are included in Eugene urban reserves if there is developable land for future homes and jobs around them; their inclusion in urban reserves will benefit future residents and will aid in the orderly and economic provision of public facilities and services by their ability to act as contiguous connections for public facilities and services to nearby developable land.

Statewide Planning Goal 9 – Economic Development

Statewide Planning Goal 9 – “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

Goal 9 and OAR 660-009 require the City and County to provide, through comprehensive plans, at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses within the UGB. This need was addressed when the City and County adopted an expanded UGB in 2017. The Envision Eugene Employment Land Supply Study includes an acknowledged inventory of land for economic growth and activity in Eugene's UGB. That inventory is expected to address the City's needs for such land through 2032. The City's and County's policies pertaining to employment are housed in their relevant comprehensive plans.

While the actions taken by this ordinance do not impact the City's supply or demand for employment land, urban reserves will enable the City to expand that inventory in the future when it is determined that there is a need for additional employment land and the UGB is expanded.

To the extent that it is relevant under Goal 9, the *Urban Reserves Land Need Model (Findings Appendix 4, attachment A)* estimates the employment growth over a 27-year urban reserve time frame, calculating the commercial and industrial employment land need during that time. This was based on the same general criteria used for the most recent establishment of Eugene's UGB. Furthermore, the Urban Reserves Land Supply Model developed a capacity analysis which evaluated the ability of the land within the urban reserves study area to provide industrial land in the future. Industrial land has certain characteristics that are different from residential or commercial land, which are primarily located in mixed use neighborhoods. The industrial capacity analysis doesn't assign uses to specific land in the study area; it simply identifies whether there is enough land with the characteristics to potentially meet the industrial jobs need identified. In this way, the Eugene urban reserves are addressing future economic growth.

Lastly, the economic consequences of urbanization were evaluated as part of the Urban Reserves suitability analysis. This was done so as part of Goal 14, Locational Factor 3, Comparative environmental, energy, economic and social consequences, as described in the findings for Goal 14 and in the *Eugene Urban Reserves Study Subarea Reports that are attached to the Eugene Urban Reserves Study (Findings Appendix 2)*.

Statewide Planning Goal 10 – Housing

Statewide Planning Goal 10 -- “To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.”

When the City and County approved an expansion of Eugene’s UGB in 2017, they adopted, and received State acknowledgement of a 20-year inventory of buildable lands for residential use. The *Envision Eugene Residential Land Supply Study* includes an acknowledged inventory that is expected to address the City’s needs for such land through 2032. As explained in Parts II and IV of that Study, the City encourages the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Eugene households and allow for flexibility of housing location, type and density.

While the actions taken by this ordinance do not impact the City’s supply of, or demand for, residential land, urban reserves will enable the City to expand that inventory when there is an identified need in the future. To the extent that it is relevant under Goal 10, the *Urban Reserves Land Need Model (Findings Appendix 4, attachment A)* estimates the demand for new residential land needed from population growth over a 27-year urban reserve time frame. The Urban Reserves Land Supply Model develops a residential capacity analysis using a similar but more streamlined methodology to estimate residential capacity than the 2012-2032 BLI. The estimate of residential capacity starts with quantifying the acres of developable land which includes undeveloped land and developable portions of partially vacant land. It uses information from the density of recent development within Eugene to convert from acres of developable land to capacity for residential development in dwelling units. The result of the capacity analysis is an estimate of the number of dwelling units that can be accommodated within the Eugene urban reserves. Complete information can be found in the *Eugene Urban Reserves Technical Memo (Findings Appendix 4)*.

Statewide Planning Goal 11 – Public Facilities and Services

Statewide Planning Goal 11 -- “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

Goal 11 requires that urban development be supported by urban facilities and services. Goal 11 and ORS 197.712 require Eugene to have a public facilities plan for water, sewer and transportation services within the UGB. The Land Conservation and Development Commission has acknowledged the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) as Eugene’s public facilities plan for wastewater and stormwater. Transportation planning is addressed under Goal 12, below.

While the lands within Eugene’s Urban Reserves will remain rural, retain their rural zoning and plan designation and will not be eligible for urbanization unless eventually brought into Eugene’s UGB, the

cost-effective provision of public facilities and services is an integral component of urban reserves planning, as shown in the definition of Urban Reserve in OAR 660-021-0010:

OAR 660-021-0010(1) "Urban Reserves" means lands outside of an urban growth boundary that will provide for:

(a) Future expansion over a long-term period; and

(b) The cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary.

The definition of "public facilities and services" used for the Eugene urban reserves is consistent with the definition from Statewide Planning Goal 11, as directed in OAR 660-021-0010: "*Public Facilities and Services--projects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare.*" (Statewide Planning Goal 11)

An Urban Reserves Service Provider Working Group, comprised of representatives from local service providers, was formed to evaluate the serviceability of the land within the urban reserves study area. Input received was based on the definition of urban reserves and public facilities and services and on the evaluation of the "orderly and economic provision of public facilities and services" (Goal 14, Locational Factor #2) as directed by OAR 660-021-0030(2).

This evaluation focused on the future provision of water, wastewater, fire, transit, transportation, and stormwater, per OAR 660-021-0050(2), as described below. Other public facilities and services evaluated to a lesser extent included parks, electricity and schools (also described in Findings related to Goal 2).

As noted above, developable land in the urban reserves study area was evaluated for whether public facilities and services could be provided to the land in an orderly and economic manner. Staff began this evaluation by coordinating with Eugene's current urban service providers as well as with the rural service providers who currently serve the area included in the Eugene urban reserves. Information was mainly received from current urban service providers because it is assumed that they would eventually expand their service area coverage into land designated as Eugene urban reserves when such land is added into the urban growth boundary. Input received was then compiled into the *Eugene Urban Reserves Serviceability Analysis Report (Findings Appendix 3)*, which is a preliminary assessment of providing urban levels of public services to the developable land within the Eugene urban reserves study area. The analysis includes the relative serviceability of each subarea (easy, moderate or difficult), based on a qualitative assessment by service providers and staff, and a generalized cost estimate in order to identify whether urbanizable land could be served in an orderly and economic manner.

The findings of this report were incorporated into the *Eugene Urban Reserves Study Subarea Reports* that are attached to the Eugene Urban Reserves Study (*Findings Appendix 2*), and helped to identify developable land that would be suitable for urban reserves, specifically by the evaluation of the "orderly and economic provision of public facilities and services" (from Goal 14, Locational Factor #2) as directed by OAR 660-021-0030(2), and noted above. Further information on this analysis can be found in the *Eugene Urban Reserves Study (Findings Appendix 2)* and found in the findings for Goal 14.

OAR 660-021-0050 - Urban Reserve Agreements

(2) Designation of the local government or special district responsible for the following services: sewer, water, fire protection, parks, transportation, and storm water. The agreement shall include maps indicating areas and levels of current rural service responsibility and areas projected for future urban service responsibility when included in the urban growth boundary.

Urban reserve agreements have been developed between City of Eugene, Lane County and the ten (10) special districts (listed in the findings of Goal 2) responsible for fire protection, parks, transportation and stormwater; their boundaries are included all or in part within the Eugene urban reserves, consistent with OAR 660-021-0050(2). No statutory special districts provide sewer or water services in the Eugene urban reserves. See *Exhibit D* for copies of the agreements and the findings of Goals 2 and 14 for more information. As previously noted, these agreements will be adopted concurrently with Eugene urban reserves adoption.

Furthermore, consistent with OAR 660-021-0040(6), below, the urban reserves public facilities and services analysis is at a high level for planning purposes, and does not authorize urban levels of development or services in urban reserves prior to their inclusion in the urban growth boundary or place any limitations on the provision of rural facilities and services.

OAR 660-021-0040(6) provides that *“[c]ities and counties are authorized to plan for the eventual provision of urban public facilities and services to urban reserves. However, this division is not intended to authorize urban levels of development or services in urban reserves prior to their inclusion in the urban growth boundary. This division is not intended to prevent any planning for, installation of, or connection to public facilities or services in urban reserves consistent with the statewide planning goals and with acknowledged comprehensive plans and land use regulations in effect on the applicable date of this division.*

Analyzing the serviceability of urbanizable land is a key component of urban reserves planning and helped identify the land included in the Eugene urban reserves, increasing the likelihood that urban reserves, when brought into the UGB, can eventually be provided with urban facilities and services in an efficient and cost-effective manner, consistent with Goal 11. The City and County elected not to include any public facilities and services projects for urban reserves into the PFSP at this time.

Statewide Planning Goal 12 – Transportation

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

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

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

(3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- (b) Change standards implementing a functional classification system; or**
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. * * ***
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

The actions taken by this ordinance do not change the zoning, plan designation or regulations for any land being included as urban reserves, and therefore do not increase the development potential of these lands. The actions do not change the functional classification of a transportation facility, change the standards implementing a functional classification system or degrade the performance of a facility otherwise projected to not meet performance standards. Therefore, the amendments do not have a significant effect under OAR 660-012-0060(1)(c)(A), (B) or (C). As such, the amendments do not significantly affect any existing or future transportation facilities.

As described in the findings related to Goal 11, transportation is one of the public facilities and services analyzed for urban reserves planning. While the action of adopting urban reserves does not affect any existing or future transportation facilities, analyzing the serviceability of public facilities, including transportation, is a key component of urban reserves planning and helped identify the land included in the Eugene urban reserves. This increased the likelihood that urban reserves, when brought into the UGB, can eventually be provided with transportation facilities and services that provide and encourage a safe, convenient and economic transportation system, consistent with Goal 12.

The identification of developable land that would be suitable for Eugene urban reserves included criteria on how efficiently transportation systems could be provided, as directed by Goal 14, Locational Factor 2, "Orderly and economic provision of public facilities and services," described further in the findings related to Goal 11. The *Eugene Urban Reserves Serviceability Analysis Report (Findings Appendix 3)* and *Eugene Urban Reserves Study (Findings Appendix 2)* further describe the analysis related to the provision of transportation services (including transit). To assist in evaluating particular areas under the Goal 14 locational factors, the City considered some prompting questions related to Goal 12, including:

- How easy or difficult is it to serve each subarea which includes analysis of transportation and transit?
- To what extent is there good multi-modal access to this area?
- To what extent is the area easily accessible to downtown?

- To what extent would this area be able to co-locate a variety of housing types, jobs and services to lower vehicle miles traveled (vmt)?
- How cost-efficient is service provision in this area (includes transportation and transit)?
- Will urbanization in this area allow for connected, integrated neighborhoods? (from the *Eugene Urban Reserves Study, Findings Appendix 2*)

Agencies participating on the Eugene Urban Reserves Service Provider Working Group, related to transportation provision, include Oregon Department of Transportation, Lane Transit District, Lane County Transportation Division and Eugene Transportation Division.

Statewide Planning Goal 13 – Energy Conservation

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

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

Statewide Planning Goal 14 – Urbanization

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

Goal 14 requires cities to plan for urbanization within an urban growth boundary. Urban reserves are the result of longer-term planning. The requirements for establishing urban reserves are set out at ORS 197.626 and OAR Chapter 660 Division 21.

660-021-0020 -- Authority to Establish Urban Reserve

(1) Cities and counties cooperatively . . . may designate urban reserves under the requirements of this division, in coordination with special districts listed in OAR 660-021-0050(2) and other affected local governments, including neighboring cities within two miles of the urban growth boundary. Where urban reserves are adopted . . . they shall be shown on all applicable comprehensive plan and zoning maps, and plan policies and land use regulations shall be adopted to guide the management of these reserves in accordance with the requirements of this division.

The City’s and County’s cooperation, and coordination with special districts and affected local governments is addressed in detail above, under the findings for Statewide Planning Goal 2, and those findings are incorporated herein by reference.

In summary, since the commencement of this project in 2018, the City and County have worked cooperatively to designate urban reserves. As detailed in *Eugene Urban Reserves Public Engagement Summary (Findings Appendix 1)*, the City and the County have provided a wide-range of opportunities

for the general public, property owners and agency partners like affected local governments to participate in urban reserves planning.

Consistent with OAR 660-21-0050(2), below, the City and County coordinated and developed an intergovernmental agreement on the transfer of services related to building code administration, land use regulation, transportation services and stormwater services. Intergovernmental agreements were also coordinated and developed with special districts responsible for the provision of fire protection, parks, transportation, and storm water within the Eugene urban reserves.

In addition to coordinating with special districts, the City and County coordinated with other potentially affected local governments, including neighboring cities within two miles of the City of Eugene's urban growth boundary, as directed in OAR 660-021-0020(1). These entities were engaged through informal consultation and participation on the Eugene Urban Reserves Service Provider Working Group.

Official maps of the Eugene urban reserves are being adopted as amendments to the Metro Plan (for areas between the UGB and the Metro Plan boundary) and the Lane County Rural Comprehensive Plan (for areas outside of the Metro Plan boundary). In addition, an illustrative map showing Eugene urban reserves is being adopted as an amendment to the City of Eugene Envision Eugene Comprehensive Plan. The Lane County zoning map is not applicable because the County is not applying an associated zone or overlay zone; instead, urban reserves will be identified on County maps (by boundary lines, similar to the urban growth boundary or a special district boundary, with hatched lines showing the Eugene urban reserves) and the City and County are amending the Metro Plan and the Lane County Rural Comprehensive Plan to include policies that will apply to the development of the Eugene urban reserve land. These policies relate to continuing to plan and zone land for rural uses in the Eugene urban reserves until brought into Eugene's urban growth boundary. The amendments will implement regulatory measures for land within the Urban Reserves. The new policies are consistent OAR 660-021-0040, as noted in the findings below.

660-021-0030 -- Determination of Urban Reserve

(1) Urban reserves shall include an amount of land estimated to be at least a 10-year supply and no more than a 30-year supply of developable land beyond the 20-year time frame used to establish the urban growth boundary. Local governments designating urban reserves shall adopt findings specifying the particular number of years over which designated urban reserves are intended to provide a supply of land.

The adopted 20-year time frame used to establish Eugene's current urban growth boundary is 2012 through 2032. The Eugene urban reserves adopted by the City and County are intended to serve the City's growing population for 27 years beyond the 20-year timeframe used for establishing the urban growth boundary, or until 2059.

(2) Inclusion of land within an urban reserve shall be based upon the locational factors of Goal 14 and a demonstration that there are no reasonable alternatives that will require less, or have less effect upon, resource land. Cities and counties cooperatively . . . shall first study lands adjacent to, or nearby, the urban growth boundary for suitability for inclusion within urban reserves, as measured by the factors and criteria set forth in this section. Local

governments shall then designate, for inclusion within urban reserves, that suitable land which satisfies the priorities in section (3) of this rule.

The City and County addressed the requirements of this rule in a study called the *Eugene Urban Reserves Study (Findings Appendix 2)* that is attached to these findings and incorporated herein by reference.

(3) Land found suitable for an urban reserve may be included within an urban reserve only according to the following priorities:

- (a) First priority goes to land adjacent to, or nearby, an urban growth boundary and identified in an acknowledged comprehensive plan as an exception area or nonresource land. First priority may include resource land that is completely surrounded by exception areas unless these are high value crop areas as defined in Goal 8 or prime or unique agricultural lands as defined by the United States Department of Agriculture;**
- (b) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, second priority goes to land designated as marginal land pursuant to former ORS 197.247 (1991 edition);**
- (c) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.**

The City and County addressed the requirements of this rule in a study called the *Eugene Urban Reserves Study (Findings Appendix 2)* that is attached to these findings and incorporated herein by reference.

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

- (a) Future urban services could not reasonably be provided to the higher priority area due to topographical or other physical constraints; or**
- (b) Maximum efficiency of land uses within a proposed urban reserve requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.**

The City and County addressed the requirements of this rule in a study called the *Eugene Urban Reserves Study (Findings Appendix 2)* that is attached to these findings and incorporated herein by reference.

660-021-0040 -- Urban Reserve Area Planning and Zoning

To fulfill the requirements of OAR 660-021-0040 Urban Reserve Area Planning and Zoning, several plan amendments will regulate the Eugene urban reserves. As detailed below, new plan policies are added to the Eugene Springfield Metropolitan Area General Plan (Metro Plan) and the Lane County Rural Comprehensive Plan.

(1) Until included in the urban growth boundary, lands in urban reserves shall continue to be planned and zoned for rural uses in accordance with the requirements of this rule and the applicable statutes and goals, but in a manner that ensures a range of opportunities for the orderly, economic and efficient provision of urban services when these lands are included in the urban growth boundary.

Lands designated urban reserves will remain under the jurisdiction of Lane County and will continue to be planned and zoned for rural uses in accordance with the requirements of this rule and the applicable statutes and goals. To ensure a range of opportunities for the orderly, economic and efficient provision of urban services when these lands are included in the urban growth boundary, the lands designated urban reserves will be subject to land use policies that regulate and limit development potential until the lands are included in the Eugene urban growth boundary and are able to urbanize.

These land use policies will be adopted in two primary places: the Eugene-Springfield Metropolitan Area General Plan and the Lane County Rural Comprehensive Plan. Both plans are amended with identical policies as follows:

Policy II(c)(34) in the Eugene-Springfield Metropolitan Area General Plan (Exhibit A-1): “Lane County shall continue to plan and zone land included in Eugene urban reserves for rural uses and shall do so in a manner that ensures a range of opportunities for the orderly, economic and efficient provision of urban services and that will not hinder the efficient transition to urban land uses when these lands are included in the Eugene urban growth boundary ...”

Policy 28 in the Lane County Rural Comprehensive Plan (Exhibit E-1 to the Lane County Ordinance): “Lane County shall continue to plan and zone land included in Eugene urban reserves for rural uses and shall do so in a manner that ensures a range of opportunities for the orderly, economic, and efficient provision of urban services and that will not hinder the efficient transition to urban land uses when these lands are included in the Eugene urban growth boundary ...”

Both of these policies have subsections (a) and (b) described further below.

(2) Urban reserve land use regulations shall ensure that development and land divisions in exception areas and nonresource lands will not hinder the efficient transition to urban land uses and the orderly and efficient provision of urban services. These measures shall be adopted by the time the urban reserves are designated.

The Lane County Code (Lane Code Chapters 13 and 16) that applies to the area that includes the Eugene urban reserves already regulates development and land divisions in exception areas and nonresource lands in a manner that ensures the efficient transition to urban land uses and the orderly and efficient

provision of urban services. Therefore, no new land use regulations are needed for exception areas and nonresource lands in the Eugene urban reserves.

The majority of the Eugene urban reserves in exception areas and nonresource lands is already developed at rural levels. The current County zoning allows only one dwelling per parcel. Therefore, the potential for new development before urbanization is minimal, and no additional policies regulating development in exception areas and nonresource lands are needed.

In the Eugene urban reserves, there is only one exception or nonresource parcel that could be divided into parcels of less than ten acres in size, based on the County's minimum acreage standards. However, that parcel is encumbered by subdivision restrictions as common space and would be unable to apply for a land division. Therefore, no policies prohibiting the creation of new parcels less than 10 acres, requiring clustering as a condition of approval of new parcels, or requiring pre-platting of future lots or parcels is needed.

Furthermore, neither public sewer, water or streets are planned beyond the Eugene urban growth boundary. Therefore, no policy requiring written waivers of remonstrance against annexation to a provider of sewer, water, or streets is needed.

Additionally, Oregon Administrative Rule 660-004-0040 states that for new exception areas, the minimum parcel size must be at least ten acres with allowance for clustering (OAR 660-004-0040(8)(i)(A)). Therefore, no additional policies regulating land divisions in exception areas and nonresource lands are needed.

(3) For exception areas and nonresource land in urban reserves, land use regulations shall prohibit zone amendments allowing more intensive uses, including higher residential density, than permitted by acknowledged zoning in effect as of the date of establishment of the urban reserves. Such regulations shall remain in effect until such time as the land is included in the urban growth boundary.

As Eugene urban reserves includes land both inside and Metro Plan, both the Metro Plan and Lane County Rural Comprehensive Plan apply, and identical new policies are included in both plans to implement this rule, as described further below:

Policy II(c)(34)(a) in the Eugene-Springfield Metropolitan Area General Plan (Exhibit A-1): "Lane County shall not approve a change to its plans, land use code, or zoning that would allow a more intensive use (including a higher residential density) on exception or nonresource land that is included in Eugene urban reserves than the use allowed on that land before the land was included in Eugene urban reserves unless otherwise required by state law."

Policy 28(a) in the Lane County Rural Comprehensive Plan (Exhibit E-1 to the Lane County Ordinance): "Lane County shall not approve a change to its plans, land use code, or zoning that would allow a more intensive use (including higher residential density) on exception or nonresource land that is included in Eugene urban reserves than the use allowed on that land before the land was included in Eugene urban reserves unless otherwise required by state law."

These policies will remain in effect on land within the Eugene urban reserves until such time as the land is included in the Eugene urban growth boundary.

(4) Resource land that is included in urban reserves shall continue to be planned and zoned under the requirements of applicable statewide planning goals.

Consistent with this rule, resource land in Eugene urban reserves is already planned and zoned by Lane County as required by applicable statewide planning goals; no action is required to maintain this status quo. That said, the following new policies emphasize the adherence to this rule:

Policy II(c)(34)(b) in the Eugene-Springfield Metropolitan Area General Plan (Exhibit A-1): “Lane County shall not approve a change that would allow resource land that is included in Eugene urban reserves to be rezoned or redesignated to a nonresource zone or designation.”

Policy 28(b) in the Lane County Rural Comprehensive Plan (Exhibit E-1 to the Lane County Ordinance): “Lane County shall not approve a change that would allow resource land that is included in Eugene urban reserves to be rezoned or redesignated to a nonresource zone or designation.”

This policy will retain larger and fairly undeveloped parcels for resource uses in Eugene urban reserves until such time as the land is included in the Eugene urban growth boundary. This policy will continue to allow qualifying Farm and Forest-zoned properties to be redesignated/rezoned to Marginal Lands, but not to residential, commercial, or industrial.

(5) Urban reserve agreements consistent with applicable comprehensive plans and meeting the requirements of OAR 660-021-0050 shall be adopted for urban reserves.

As discussed in the findings related to Goal 2 and Goal 11, Lane County and City of Eugene are entering into Urban Reserve agreements with each other and with ten special districts providing services within the Eugene urban reserves, consistent with the requirements of OAR 660-021-0040(5) addressed above and -0050, addressed below.

All agreements are included as part of the Eugene Urban Reserve Ordinance, included as *Eugene Urban Reserve Agreements (Exhibit D)*, and will be adopted at the time of urban reserve adoption. Each urban reserve agreement has been signed by the special district representative and the Eugene City Manager. The County Administrator will sign the agreements upon authorization of the Board of County Commissioners, concurrent with adoption of Eugene urban reserves. The agreements will go into effect when all parties have executed the agreements and when the County and City have both adopted ordinances identifying land within District boundaries as urban reserves.

(7) A local government shall not prohibit the siting of a single family dwelling on a legal parcel pursuant to urban reserve planning requirements if the single family dwelling would otherwise have been allowed under law existing prior to the designation of the parcel as part of an urban reserve.

Although Lane County already complies with this rule and no action is required, the following policies are included to emphasize compliance with this criterion.

Policy II(c)(33) in the Eugene-Springfield Metropolitan Area General Plan (Exhibit A-1): “Lane County shall continue to allow the siting of a single-family dwelling on a lawfully established unit of land after it has been included in Eugene urban reserves if the County’s regulations would have allowed the single-family dwelling on the land prior to the land’s inclusion in Eugene urban reserves.”

Policy 19 in the Lane County Rural Comprehensive Plan (Exhibit E-1 to the Lane County Ordinance):
“Lane County shall continue to allow the siting of a single-family dwelling on a lawfully established unit of land after it has been included in Eugene urban reserves if the County’s regulations would have allowed the single-family dwelling prior to the land’s inclusion in Eugene urban reserves.”

660-021-0050 -- Urban Reserve Agreements

Urban reserve planning shall include the adoption and maintenance of urban reserve agreements among cities, counties and special districts serving or projected to serve the designated urban reserves. These agreements shall be adopted by each applicable jurisdiction at or prior to the time of reserve designation and shall contain:

- (1) Designation of the local government responsible for building code administration and land use regulation in the urban reserves, both at the time of reserve designation and upon inclusion of these reserves within the urban growth boundary.**
- (2) Designation of the local government or special district responsible for the following services: sewer, water, fire protection, parks, transportation and storm water. The agreement shall include maps indicating areas and levels of current rural service responsibility and areas projected for future urban service responsibility when included in the urban growth boundary.**
- (3) Terms and conditions under which service responsibility will be transferred or expanded for areas where the provider of the service is expected to change over time.**
- (4) Procedures for notification and review of land use actions to ensure involvement by all affected local governments and special districts.**

The requirement set forth by OAR 660-021-0050(1) will be satisfied by the intergovernmental agreement between the City of Eugene and Lane County (see *Eugene Urban Reserve Agreements, Ordinance Exhibit D*). The County at the time of urban reserve designation is responsible for building code administration, land use regulation, transportation services and stormwater services to the rural Lane County land that surrounds the City of Eugene and included in Eugene urban reserves. Pursuant to a 1987 intergovernmental agreement between the County and City, when land, including Eugene urban reserve land, is added to the urban growth boundary, the City assumes responsibility for building code administration and land use regulation.

Urban reserve agreements have been developed between City of Eugene, Lane County and the ten (10) special districts (listed in the findings of Goal 2) responsible for fire protection, parks, transportation and stormwater; their boundaries are included all or in part within the Eugene urban reserves, consistent with OAR 660-021-0050(2). No statutory special districts provide sewer or water services in the Eugene urban reserves. See *Exhibit D* for copies of the agreements. As previously noted, these agreements will be adopted concurrently with Eugene urban reserves adoption.

In addition to the terms and conditions specified in OAR 660-021-0050(3) and (4), each Urban Reserve agreement includes map and tax lot exhibits, satisfying OAR 660-021-0050(2). The map exhibits for the agreements with service providers depict the district's jurisdictional boundary where it overlaps with the

Eugene urban reserves. GIS data used to depict each special district's jurisdictional boundary was acquired from the Lane Council of Governments and then confirmed with each district for accuracy. The tax lot exhibits list the map and tax lot number along with the approximate acreage from November 1, 2018, when the urban reserves study area was created.

OAR 660-021-0050(3) and (4) are fulfilled by the specific language within each intergovernmental agreement (see *Eugene Urban Reserve Agreements, Exhibit D*)

Statewide Planning Goal 15 – Willamette Greenway

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

Three tax lots included in Eugene urban reserves are partially within the adopted boundary of the Willamette River Greenway. The City and County have adopted acknowledged programs for addressing Statewide Planning Goal 15 for land within with the Metro Plan (outside the UGB) and land within the Rural Comprehensive Plan. All lands will retain their rural zoning and be subject to current rural regulations. The actions taken by this ordinance do not include any actions which would change the Goal 15 status of lands outside of Eugene’s UGB.

Statewide Planning Goal 16 – Estuarine Resources

Statewide Planning Goal 17 - Coastal Shorelands

Statewide Planning Goal 18 - Beaches and Dunes

Statewide Planning Goal 19 - Ocean Resources

As no portion of the Eugene urban reserves is located near the coast or ocean, Statewide Planning Goals 16, 17, 18 and 19 do not apply.

Local Government Criteria

City of Eugene Criteria

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

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

See findings addressing the Statewide Planning Goals, above.

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

These amendments introduce Eugene urban reserves to the Metro Plan, which did not include Eugene urban reserves. The new policies apply to land identified as Eugene urban reserve land that is located within the Metro Plan boundary. There are no conflicting policies for the management of that land.

Further, as it is relevant to this local government criterion, there is one existing policy that is consistent with how the planning for Eugene urban reserves was undertaken:

Chapter II, Fundamental Principles and Growth Management Policy Framework, Policy 30 “Eugene, Springfield, and Lane County shall continue to involve affected local governments and other urban service providers in development of future, applicable Metro Plan revisions, including amendments and updates.” (p. II-C-8)

Urban reserves planning, included local government and urban service provider coordination consistent with the Goal 2 coordination requirement, and OAR 660-021-0020. As noted in the findings for Goal 2, there was a significant exchange, or invitation for such an exchange, between City of Eugene, Lane County and affected governmental units. As discussed in the findings related to Goals 11 and 14, the City and County also coordinated with and entered into urban reserve agreements between themselves and ten special districts, consistent with Metro Plan Policy 30 above.

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

The city-specific local comprehensive plan does not, per se, “apply” as lands designated as Eugene urban reserves will remain under the jurisdiction of Lane County. However, because the city-specific Envision Eugene Comprehensive Plan is a long-range planning document, this action includes amendments to the Envision Eugene Comprehensive Plan that are consistent with the amendments in Metro Plan. These amendments include language that states that lands identified as Eugene urban reserves retain their rural land use zoning and remain under the jurisdiction of Lane County. (See Exhibit B)

The amendments to the Envision Eugene Comprehensive Plan also include language that refers to a policy adopted into the Metro Plan requiring Eugene, in coordination with Lane County, to initiate a review of Eugene’s supply of urban reserves no later than 10 years after Eugene’s first urban growth boundary expansion following urban reserves adoption. This is consistent with the proposed amendments to the Metro Plan. (See Exhibit B)

One new Eugene urban reserves policy is added to the Envision Eugene Comprehensive Plan that specifically points users of the plan how to find the officially adopted Eugene urban reserves maps:

Policy 11.2 in the Envision Eugene Comprehensive Plan (Exhibit B): “Urban Reserves Map. The official map identifying Eugene’s urban reserves shall be the electronic map adopted as Appendix F to the Metro Plan and Appendix A to the Lane County Rural Comprehensive Plan entitled “Eugene Urban Reserves.” The location of all Eugene urban reserves land as depicted in this Envision Eugene Comprehensive Plan is shown for illustrative purposes only.”

This new policy is consistent with the amendments to the Metro Plan.

Lastly, the Envision Eugene Comprehensive Plan amendments include a new definition of Eugene urban reserves in the glossary. This is consistent with the amendments to the Metro Plan. (See Exhibit B)

Because the Envision Eugene Comprehensive Plan did not previously address or include urban reserves, there are no conflicting provisions within the plan.

EC 9.8424 Refinement Plan Amendment Approval Criteria. Approval, or approval with modifications shall be based on compliance with the following criteria:

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

The Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) is a refinement plan of the Metro Plan. References and depictions of urban reserves throughout the PFSP are vestige references to now-defunct “urban reserves” that were established by the Eugene-Springfield region in 1982, before the State of Oregon had any laws or rules referring to “urban reserves.” By DLCD order, these 1982 urban reserve areas were effectively decommissioned by their removal from the Metro Plan, to comply with new state law imposing standards for establishment of urban reserves. The PFSP is now being amended by the City and County to clarify that, west of the I-5, the only land in urban reserves is the land being identified through this action.

The PFSP amendment is consistent with the Statewide Planning Goals and the Metro Plan as described in the findings provided above. This amendment is consistent with the remaining portions of the PFSP because it is clarifying the understanding of ‘urban reserves’ and how it is depicted in the PFSP as described above. This amendment complies with EC 9.8424(1)(a)(b) and (c), and is shown as Exhibit C.

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

As stated above, in the findings for EC 9.8424(1), the amendment to the Public Facilities and Services Plan will clarify the distinction between the Eugene urban reserves and references to the previous urban reserves west of I-5 that were removed from the Metro Plan. This amendment complies with EC 9.8424(2)(c) and (e). Regarding (c), it addresses a previous change in community policy when the 1982 urban reserves were removed from the Metro Plan. Now, with the adoption of new Eugene urban reserves, the Public Facilities and Services Plan will be amended to resolve the discrepancy between the outdated references to urban reserves and the new Eugene urban reserves. Regarding (e), the amendment addresses a change in circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.

Lane County Criteria

LC 12.225 Metro Plan Amendment Criteria.

The following criteria will be applied by the Board of Commissioners and other applicable governing body or bodies in approving or denying a Metro Plan amendment application:

- (1) The proposed amendment is consistent with the relevant Statewide Planning Goals; and**
- (2) The proposed amendment does not make the Metro Plan internally inconsistent.**

See above findings under EC 9.7735.

LC 12.050 Method of Adoption and Amendment [Lane County Rural Comprehensive Plan].

(2) The Board may amend or supplement the comprehensive plan upon a finding of:

- (a) an error in the plan; or**
- (b) changed circumstances affecting or pertaining to the plan; or**
- (c) a change in public policy; or**
- (d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 ...**

The Lane County Board of Commissioners adopts Eugene urban reserve amendments to the Lane County Rural Comprehensive Plan by ordinance. Lane Code section 12.050(b) and 12.050(c) both apply to the Eugene urban reserves amendments in the Rural Comprehensive Plan: there has been both a change in circumstances and a change in public policy.

Regarding (b), the change in circumstances affecting or pertaining to the plan is the development of Eugene urban reserves, which was a collaborative process by City of Eugene and Lane County that began in 2018, as documented in findings for Goals 1 and 2. Previously, there were no urban reserves, and specifically Eugene urban reserves, in the Lane County Rural Comprehensive Plan. The text and map amendments in the Rural Comprehensive Plan are in reference to the land in the Eugene urban reserves located outside of the Metro Plan boundary.

Regarding (c), the change in public policy is the interest in adoption of the Eugene urban reserves by the Lane County Board of Directors and the Eugene City Council as a joint project, under separate ordinance. In November 2020, the Lane County Board of Commissioners and Eugene City Council provided consistent direction to proceed with what was referred to as the "27-Year Option," as the Eugene urban reserves, and initiated the adoption process.

Eugene urban reserves are also consistent with the purpose of and criteria for amending the Rural Comprehensive Plan:

Lane Code 16.400, Rural Comprehensive Plan Amendments

- (1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience,***

prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County, and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.

The Eugene urban reserves amendments to the Rural Comprehensive Plan are consistent with the purpose of the plan as stated above and with state land use goals as detailed in these findings. An example of this is the new plan policy (#19) which requires Lane County to continue to allow the siting of a single-family dwelling on a lawfully-established unit of land after it has been included in Eugene urban reserves if the County's regulations would have allowed the single-family dwelling prior to the land's inclusion in Eugene urban reserves, as described in the findings for Goal 14, and included in Exhibit E-1 to the Lane County Ordinance. This is consistent with the purpose of the plan to 'best promote public health, safety, order ... and general welfare.'

Lane Code 16.400(6)(h) Method of Adoption and Amendment

(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

The Eugene urban reserves plan amendments are Major Amendments, as Minor Amendments are limited to the Plan Diagram only, as defined in LC 16.400(8)(a)(i) and (ii), and Major Amendments are any amendment not classified as a minor amendment, as described below.

Lane Code 16.400 (8) Additional Amendment Provisions.

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

(ii) Major Amendment. Any amendment that is not classified as a minor amendment.

As shown in these findings, Eugene urban reserves meet all applicable requirements of local and state law. The Eugene urban reserves are consistent with all applicable Statewide Planning Goals and Oregon Administrative Rules as described in these findings. The State criteria are presented in order of the Statewide Planning Goals, and the state statutes and administrative rules are addressed under the Statewide Planning Goal to which they relate.

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

**(i-i) necessary to correct an identified error in the application of the Plan; OR
(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR
(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; OR
(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR
(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.**

Lane Code section 16.400(6)(h)(iii)(bb)(i-i) and (iv-iv) applies to the Eugene urban reserves amendments to the Rural Comprehensive Plan.

With regard to subsection (i-i) one amendment clarifies wording and corrects a typo in the Policy #12 of the Goal Fourteen: Urbanization Chapter, related to County/City coordination, as shown in Exhibit E-1 to the Lane County Ordinance.

With regard to subsection (iv-iv), the Eugene urban reserves amendments included in the Rural Comprehensive Plan provide direction to the County on how to regulate the land within the Eugene urban reserves that is located outside of the Metro Plan boundary, consistent with statewide planning goals. The policy language included in the Rural Comprehensive Plan is also included in the Metro Plan, as the intention is to treat all of the land within the Eugene urban reserves consistently, whether inside or outside of the Metro Plan boundary. Therefore, the amendments to the Rural Comprehensive Plan are required for consistent implementation of the Eugene urban reserves.

Appendices to Legal Findings

Appendix 1: Eugene Urban Reserves Public Engagement Summary

Appendix 2: Eugene Urban Reserves Study, with attached

Appendix 2a: Eugene Urban Reserves Suitability Analysis Subarea Reports

Appendix 3: Eugene Urban Reserves Serviceability Analysis Report

Appendix 4: Eugene Urban Reserves Technical Memo, with attached

Appendix 4a: Eugene Urban Reserves Land Need Model

Appendix 4b: Eugene Urban Reserves Map Documentation of Undevelopable Land