City Council
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www.eugene-or.gov

AMENDED AGENDA
EUGENE CITY COUNCIL
October 12, 2020

7:30 p.m. CITY COUNCIL MEETING

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this meeting will be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials

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Meeting of October 12, 2020;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Emily Semple, President	Jennifer Yeh, Vice President
Mike Clark	Greg Evans
Chris Pryor	Claire Syrett
Betty Taylor	Alan Zelenka

Note: This agenda was amended to reflect the addition of Item 1.

7:30 p.m. CITY COUNCIL MEETING

1. **CEREMONIAL MATTERS: Proclamation on Indigenous Peoples' Day**

2. **COMMITTEE REPORTS AND ITEMS OF INTEREST**

3. **CONSENT CALENDAR 1**
   - **A. Approval of City Council Minutes**
     July 28, 2020, JEO Work Session
     July 29, 2020, Work Session
     September 21, 2020, JEO Work Session
   - **B. Approval of City Council Tentative Agenda**

4. **PUBLIC FORUM**

5. **ACTION: An Ordinance Adopting an Updated Eugene Airport Master Plan, a Refinement Plan of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan); Adopting a Severability Clause; and Providing an Effective Date (City File RA 19-2, Lane County File PA 19-5770)**

6. **ACTION: An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan Diagram and the Willakenzie Area Plan Diagram to Redesignate the Property Identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-03-16-44, Tax Lots 400 and 800 from Campus Industrial to Light Medium Industrial and Rezone the Property from E-1 Campus Employment to E-2 Mixed Use Employment**

7. **ACTION: An Ordinance Concerning Digital Sign Code, Amending Sections 9.0500, 9.6610, 9.6615, 9.6620, 9.6630, 9.6635, 9.6640, 9.6645, 9.6650, 9.6655, 9.6660, 9.6665, 9.6670, 9.6675, and 9.6680 of the Eugene Code, 1971, and Providing an Effective Date (City File CA 20-2)**

Adjourn.

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Approval of City Council Minutes

Meeting Date: October 12, 2020
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2A
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT
This is a routine item to approve City Council minutes.

SUGGESTED MOTION
Move to approve the minutes for the work session on July 29, 2020; and the Joint Elected Officials work sessions on July 28, 2020, and September 21, 2020.

ATTACHMENTS
A. July 28, 2020, JEO Work Session Minutes
B. July 29, 2020, Work Session Minutes
C. September 21, 2020, JEO Work Session Minutes

FOR MORE INFORMATION
Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

MINUTES

Eugene City Council and
Lane County Board of Commissioners
Virtual Work Session
Eugene, Oregon 97401

July 28, 2020
5:30 p.m.

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Greg Evans, Claire Syrett, Chris Pryor

Councilors Absent: Mike Clark

Commissioners Present: Heather Buch, Pete Sorenson, Jay Bozievich, Pat Farr, Joe Berney

Mayor Vinis opened the July 28, 2020, work session of the Eugene City Council.

Lane County Board of Commissioners Chair Heather Buch opened the July 28, 2020, meeting of the Lane County Board of Commissioners.

1. **JOINT WORK SESSION: Homeless Systems Transformation**
Sarai Johnson, Joint Shelter and Housing Strategist for the City of Eugene and Lane County, gave a presentation to update progress on the implementation of the homeless systems transformation, including cross-jurisdictional coordination and expansion of shelter and housing opportunities in a COVID-19 environment.

Council Discussion:
- Councilor Pryor – stated he is struck by the increase in numbers; asked clarifying questions about sheltering options and capacity.
- Councilor Syrett – reminded the public that one of the City Council's overarching goals is to reach functional zero in terms of people being without shelter in the community, meaning there will still be people experiencing homelessness, but supports will be poised to help; asked if any positive lessons were learned from the San Francisco Navigation Center; expressed hope for the County to increase access to mental health services, drug and alcohol addiction services and counseling, as all are needed as supports for this population to transition into permanent housing.
- Commissioner Bozievich – expressed frustration about the original TAC recommendations and the updated five-year projections, which seem to be heavily dependent on temporary emergency shelter; stated he does not believe that temporary emergency shelter helps people, and that a Housing First policy with intensive case management is what is needed; stated he is concerned about temporary versus permanent solutions.
- Councilor Zelenka – asked clarifying questions regarding the terminology used for the Homelessness Management Information System (HMIS).
- Councilor Semple – expressed concern that work is not happening fast enough; asked how the community is going to manage without the Egan Warming Centers during the pandemic; stated she is concerned for this winter.
- Commissioner Farr – asked Sarai to comment on the value of the multi-jurisdictional bodies regularly meeting to discuss the dynamic issue of homelessness; stated geographically dispersed sites need to be found to achieve results.

- Councilor Syrett – stated it could be that a slower approach of providing shelter with case management may build capacity for people to be successful in permanent supportive housing; asked how some of the temporary shelters can be turned into HUD-approved sites; asked for more context for the cost estimates provided for safe sleeping shelters; inquired into the estimated cost for navigation services.
- Councilor Pryor – stated he would like to focus on structural, long-term solutions, and also recognize the acute, immediate problem to be dealt with, and stated the issue is how to come up with sufficient resources to do both; stated that based on the figures presented, it will take $18-20 million to do both and advocated for finding a way to fund the $20 million for as long as needed.
- Commissioner Berney – stated the transformation has already occurred and has vastly disintegrated the social safety net; asked if the current numbers also count the homeless statistics of every school district in Lane County; asked if the $18 million projection is for operations only for approximately 1,000 beds; asked if the interpretation of the data is consistent with the interpretation by people with lived experience.
- Councilor Taylor – stated emergency shelter is needed and it needs to be downtown; asked if single-room occupancy (SRO) was considered; stated SRO and shelter combined are two of the most important options.
- Councilor Zelenka – asked for the rationale in developing the prioritization of the options presented; stated the next task will be to determine the funding source and suggested a levy to voters.
- Commissioner Buch – agreed the Homeless By Name list is more accurate than HMIS, and said she feels there is now have a more accurate idea of the size of the issue; appreciated the quick-build design but does not want to see both agencies throwing millions of dollars into this every year if it does not return some kind of future investment capital in drawing down the numbers; stated quick-builds or other designs that turn into permanent features to address homelessness year after year is an important step to take; stated she would like to see more in-depth financial analysis; for future reports, asked staff to provide a list of items and how much they cost in more detail, and agency commitments to each item.
- Mayor Vinis – stated two challenges are sites and capacity of providers; asked staff to speak to how capacity of the providers is being addressed and the plan to move forward.
- Commissioner Bozievich – asked clarifying questions about how the Homeless By Name list counts individuals; stated he is concerned the database is being changed from what was presented in the TAC report; stated funds are in competition with many other programs that have had funding cut or eliminated.
- Commissioner Farr – stated permanent supportive housing is very expensive to provide, and honesty is needed in determining why housing is so expensive in Lane County and Eugene, and why the local homeless population is increasing.
- Commissioner Berney – stated he would like to encourage both bodies to find ways to move forward; suggested private foundations may like to invest, and both agencies can be on the lookout for other opportunities to generate funds.

Mayor Vinis adjourned the Eugene City Council meeting at 7:04 p.m.

Commissioner Buch adjourned the Board of County Commissioners meeting.

Respectfully submitted,

Beth Forrest
City Recorder

(*Recorded by Jessica Gebb*)

Link to the webcast of this City Council meeting here.

MINUTES

Eugene City Council
Virtual Work Session
Eugene, Oregon 97401

July 29, 2020
12:00 p.m.

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett and Chris Pryor

Mayor Vinis opened the July 29, 2020, work session of the Eugene City Council.

1. **ACTION: City Manager Employment Agreement**
City Attorney Kathryn Brotherton reviewed the proposed terms of the employment agreement with Sarah Medary.

Council Discussion:
- Councilor Semple – stated she feels the contract is reasonable and she intends to work with Council Vice President Yeh over the next six weeks to draft a performance evaluation process for Council to consider approving in September.
- Councilor Zelenka – stated the annual leave term of 120 hours of vacation "use it or lose it" per year is incentive for the City Manager to actually take the needed time off; stated the rest of the contract is in keeping with other city managers, Salem in particular; recommended the package.
- Councilor Syrett – thanked the Councilors who worked to draft the agreement; said she thinks it looks great and is pleased that Sarah is in agreement and will sign it.
- Mayor Vinis – thanked Council and stated she is happy to be at this point.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to approve the Council Committee's recommended terms of Sarah Medary's employment agreement and authorize the Council President to execute the City Manager employment agreement set forth in Attachment B. **PASSED 8:0.**

2. **WORK SESSION: Northwest Natural Gas Franchise Agreement**
Intergovernmental Relations Manager Ethan Nelson and Assistant City Attorney Hwa Go provided an overview of the negotiation process to date and current deal points for the Northwest Natural Gas (NWNG) Franchise Agreement.

Council Discussion:
- Councilor Semple – stated she feels the City has done a good job of trying to get to an agreement, and doesn't think NWNG has made the same effort; expressed frustration that negotiations have taken too long and doesn't see any goodwill from NWNG to help the climate, low-income people facing homelessness, or the work on renewable natural gas; expressed concern that NWNG's solutions are to buy offsets and push costs back to customers.
- Councilor Zelenka – stated this is a very complicated negotiation and the first of its kind in the country, and necessarily it will take time to go through the issues; stated negotiations are going as he expected, that progress is being made toward an agreement, but it needs more time; asked clarifying questions regarding the motion for Option 2; stated he would prefer Option 1 at this point.

- Councilor Syrett – stated she thinks Option 1 is the best next step and continued negotiations are worth the effort; stated she hopes NWNG will recognize the opportunity that moving toward Eugene's position offers them in terms of becoming leaders and partners in the effort to reduce carbon emissions in the community; stated NWNG's recent actions working to organize opposition to the Community Action Plan (CAP) with inaccurate information and then challenging Council's legal right to hold an executive session on this topic are disappointing, but often negotiations are contentious between parties particularly when there are competing interests; expressed confidence in staff's ability to continue to represent Council interests, and bring forth an agreement that can be a model for other communities; encouraged Council to support Option 1.
- Councilor Yeh – acknowledged the two parties seem far apart right now and asked staff if they felt another six months of negotiations could be productive; stated she is not in favor of purchasing offsets or in giving up the ability to look at ways to limit natural gas; stated she is willing to give six months if it results in a better position for the City by then.
- Councilor Evans – stated it doesn't look like NWNG is making the effort to meet the City in the middle; asked clarifying questions about the current terms and the City's position.
- Councilor Taylor – stated she favors Option 3 and doesn't believe anything bad will happen to customers; stated cutting off negotiations now will at least stop the expansion.
- Councilor Pryor – stated that if Council goes with Option 1, it should know that both sides will be negotiating in good faith; stated he is supportive of Option 1 for another six months but his patience is not infinite.
- Councilor Evans – expressed concern that NWNG is rejecting the City's proposal without having a counter proposal in regard to low-income programming; stated 40 percent of Lane County is living at or below the poverty line and it may go up significantly very soon; asked if NWNG currently has a low-income program.
- Councilor Zelenka – stated that equity considerations need to be upfront in the negotiations; stated he has heard that over half of NWNG customers are low-income, therefore, how customers are charged based on what is negotiated will have a disproportionate impact on low-income NWNG customers; stated this limits how the Carbon Reduction Fee (CRF) can be increased without overburdening low-income customers that have no other way to heat their home.
- Mayor Vinis – stated she wants to support the comments councilors have made about supporting Option 1; stated it is better to have a negotiated agreement than not and she is trusting staff's read on the situation that there will be movement in the next six months.
- Councilor Semple – expressed frustration regarding the negotiations and stated she does not feel NWNG is acting in good faith and is putting it all on the customers; stated she will not vote in favor.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to prepare an ordinance and schedule a public hearing in September 2020, to extend Northwest Natural Gas's Franchise Agreement for six months and to schedule a work session in early September 2020 for an update on the negotiations. **PASSED 6:0**, Councilors Semple and Taylor opposed.

3. WORK SESSION: A Resolution Approving the Community Action Plan 2.0

Sustainability Manager Chelsea Clinton gave a brief presentation of the Community Action Plan 2.0 (CAP 2.0) and answered questions related to the plan and the proposed resolution approving it.

Council Discussion:

- Councilor Zelenka – stated this plan represents an enormous amount of work and it is gratifying to be at this point; however there is still much to do and a limited amount of resources to get

things done; stated a bias for action is needed; stated this is a living document which will be enhanced and refined over time; supported motion to approve.

- Councilor Evans – asked clarifying questions regarding promoting the usage of bike and pedestrian infrastructure; stated that promoting alternative transportation must happen in order to make a dent in turning the carbon footprint clock back; inquired about conversations that have taken place to jump-start MovingAhead and Transit Tomorrow.
- Councilor Zelenka – stated transportation is the biggest part of emissions in Eugene; stated the Pedestrian and Bicycle Plan, though not funded, is one of many actions needed in the transportation sector; stated that with limited resources, determining the actions that will produce the greatest change is needed, as well as a focus on a priority scheme to get there.

Councilor Clark left the meeting at 12:55 p.m.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to adopt a Resolution Approving the Community Climate Action Plan 2.0. **PASSED 7:0**.

- Councilor Semple – stated she would like to introduce two motions from the Sustainability Commission.

MOTION: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to complete a high-level analysis of all the Community and Equity panel ideas for potential action included in the CAP 2.0 in the next 12 months with recommendations for further actions based on their estimated cost per ton of emissions reductions, co-benefits, feasibility, and equity impacts.

- Councilor Syrett – stated she would like to get an idea of how realistic this motion is in terms of what it is asking of staff; asked staff to speak to the possibility of needing to outsource the work; stated she supports the intent of the motion, however, it feels like more than can be handled at once and suggested establishing priorities; said she does not support the motion as it sits now.
- Councilor Pryor – stated he supports the intent of the motion as well; asked if the cost and length of time to complete it can be evaluated; suggested a friendly amendment to say "direct the City Manager to bring to Council the cost and timeline to complete a high-level analysis".
- Councilor Semple – expressed concern that if the motion is only to bring back the cost and timeline, no work to be looking at any of the actions will be taken yet; stated this is beyond the scope of time and money available; asked staff if there are any plans now on how to start on the lists of recommendations; stated it doesn't seem like it can be done in 12 months if the plan is not to start for a few years.

MOTION TO AMEND: Councilor Pryor, seconded Councilor Syrett, moved to amend the motion to bring back to Council the cost and timeline to complete a high-level analysis.

- Councilor Zelenka – stated as a friendly amendment, he thinks it is important to leave the criteria in the motion; stated there are only 2.0 FTE to complete the work and Council has not given the City Manager any direction about the 100 other actions already in the plan that have commitments and funding sources; doesn't want to pre-empt that work; suggested another clarification can be what high-level means, perhaps a way of creating a priority list.
- Councilor Taylor – suggested this is a good place for unpaid volunteers to sort through and give recommendations on which things are important; stated the volunteers could be from the Sustainability Commission and local environmental groups.

- Councilor Zelenka – stated staff continually use advisory committees to vet the work they do; recommended when the analysis is done, running the initial cut past the Sustainability Commission before it comes to Council.
- Mayor Vinis – stated she understands one of the reasons this motion has come forward is due to a sense of uneasiness from within the Sustainability Commission and the public that there is no way to reach the City's full goals; wondered if having no timeline at all is a good idea, as part of this is to reassure that these items will be addresses and they won't be put aside for an indefinite amount of time.
- Councilor Syrett – clarified the language of the motion is to direct the City Manager to bring back the cost and timeline for doing the high-level analysis.

  RESTATED MOTION TO AMEND AND VOTE *(with friendly amendments):* Councilor Pryor, seconded by Councilor Syrett, moved to direct the City Manager to bring back to Council the cost and timeline to complete a high-level analysis of all the Community and Equity panel ideas for potential action included in the CAP 2.0 in the fall, considering estimated costs per ton of emissions reductions, co-benefits, feasibility and equity impacts. **PASSED: 7:0.**

  VOTE ON MAIN MOTION AS AMENDED: PASSED: 7:0.

- Councilor Semple – asked clarifying question regarding implementation and potential funding for high-priority items already in the plan; asked if Council has given the City Manager direction for development, implementation and funding on actions already in the plan.

  MOTION: Councilor Semple, seconded by Councilor Taylor, moved to direct the City Manager to immediately begin working on developing recommended implementation options and potential funding sources for actions already in the plan and return to Council with policy and funding recommendations within 12-18 months with special consideration given to the eight actions identified by the Sustainability Commission in their July 14, 2020, memo and Action 1 – Accelerate Implementation of the TSP prioritizing implementation of pedestrian and bicycle projects.

- Councilor Zelenka – stated Council has not given the City Manager direction to do what the Sustainability Commission wants to do for any items in the plan; stated that prioritization is needed since everything can't be done at the same time; suggested a friendly amendment to add "high-priority" into the motion.
- Councilor Semple – expressed concern that it is unknown which ones are high-priority before analyzing them, and who will choose which ones are.
- Councilor Zelenka – stated his answer would be the same process that will be developed for the first motion – to prioritize using the considerations for the community and equity impacts.

  RESTATED MOTION *(with friendly amendments):* Councilor Semple, seconded by Councilor Taylor, moved to direct the City Manager to immediately begin working on developing an implementation plan, including options and funding source, giving special consideration to the eight actions identified by the Sustainability Commission in their July 12, 2020 memo and Action 1.

- Councilor Evans – inquired of staff which specific items will need to be postponed if this motion is approved.
- Mayor Vinis – stated she thought the original impetus behind this Sustainability Commission request was that they had gone through the 75 and had identified eight they thought could rise

to the top because they were integrated with things already happening; suggested going back to the simpler intent of highlighting those eight.

- Councilor Syrett – stated she is leaning toward the City Manager's recommendation of taking a little more time to think about this and discuss again after break.
- Councilor Yeh – stated she understands from staff there are some priorities set for the near future; stated she is tired of being in the planning stage and is ready to move into the implementation stage; likes the City Manager's recommendation to slow this down and be more deliberate in action.
- Councilor Zelenka – stated he is also eager to get to the implementation stage.

  MOTION TO SUBSTITUTE AND VOTE: Councilor Zelenka, seconded by Councilor Pryor, moved to have the City Manager bring back process and timeline for implementation plan in the fall, with special consideration to the ideas brought forward by the Sustainability Commission. **PASSED: 7:0.**

  VOTE ON FINAL MOTION: PASSED: 7:0.

- Councilor Semple – to the public, explained she can't answer all of the email coming in due to the high volume, but assured her constituents she does read them all even if she doesn't answer.

The meeting adjourned at 1:54 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(*Recorded by Jessica Gebb*)

Link to the webcast of this City Council meeting here.

MINUTES

Eugene City Council and
Lane County Board of Commissioners
Virtual Work Session
Eugene, Oregon 97401

September 21, 2020
5:30 p.m.

Councilors Present: Betty Taylor, Emily Semple, Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Chris Pryor, Greg Evans

Commissioners Present: Heather Buch, Pete Sorenson, Pat Farr, Jay Bozievich, Joe Berney

Mayor Vinis opened the September 21, 2020, work session of the Eugene City Council.

Commission Chair Buch opened the September 21, 2020, work session of the Lane County Board of Commissioners.

1. JOINT WORK SESSION: Urban Reserves Planning

City Manager Sarah Medary and Rebecca Gershow, project manager for Urban Reserves Planning, provided information about the different options available for consideration.

Council and Board Discussion:

- Councilor Pryor – thanked staff for the presentation; discussed land in urban reserve area being expensive to build on in the south, and the trade-offs in support of affordable housing by having land in the northern part of town available.
- Councilor Semple –expressed support of the 27-year option; would like to support 10-year because of importance of Class 1 and 2 soils; expressed importance of protecting agricultural land.
- Commissioner Sorenson – expressed support for Option 4; inquired about options in relation to the Climate Action Plan and climate impacts of the various options, in particular, lifestyle threat analysis, including fire risk and sociological changes.
- Councilor Clark – thanked staff for the presentation; expressed agreement that suitability and cost of building in different types of lands is important; requested there be a financial feasibility assessment of the different options and types of lands and having the financial aspects delineated as much as possible for council assessment; inquired how long it's been for county designation reviews on class types of lands and if that had been done; asked for clarification of how lands were classified; requested follow-up information for soil classification analysis.
- Councilor Syrett – thanked staff; expressed support for the 27-year option, as it will help preserve agricultural lands; inquired about repercussions if the county and city do not agree on which option to forward for public consideration; expressed frustration with state confinements on this process.
- Commissioner Farr – inquired about population projections in relation to climate refugees and expressed concern that was not part of the consideration; inquired what happens if the urban reserves land is used faster than projected.
- Councilor Zelenka – addressed concerns about the impact of climate refugees, noting the trend that the majority of people stay close to where they grew up.
- Councilor Taylor – discussed the dangers of land speculation once urban reserves are set; said she does not approve of adding any urban reserves and believes the urban growth boundary

should be maintained due to importance of agricultural and natural lands especially in the face of climate change; expressed support for Option 4, if the state requires it.

- Commissioner Berney – expressed concern about making any decision, given how little public input was received; asked about the average estimated residential capacity and how tall projections are based on the past, noting that many conditions have changed; suggested said the area is already seeing an influx of economic and climate refugees.
- Commissioner Bozievich – inquired about the history of the urban reserves process and how long Envision Eugene took to enact; expressed support for 30-year option because of lengthy planning process and the need for more affordable housing.
- Councilor Evans – discussed growth and development in north Eugene, and the need for additional infrastructure to address the expansion of commercial retail development; discussed Bethel school district plans for surrounding area.
- Councilor Clark – inquired about how much it costs per acre to build housing; expressed frustration with the process and clash of values; discussed housing costs as an important factor and supported showing exactly how land can be evaluated; requested measurement of climate refugees and expressed desire to wait for useful information on growth monitoring for the UGB.
- Commissioner Buch – addressed how opportunity and resources here are already attracting more people to the area and that will continue, driving the strong need for adequate urban reserves for the future community; expressed desire for Eugene to remain affordable, and avoid becoming an elite suburb; expressed concerns about development areas getter closer to wildland and forest interface.

Mayor Vinis closed the meeting of the Eugene City Council and noted the issue would be coming back to the council on October 12.

Commissioner Buch closed the meeting of the Lane County Board of Commissioners,

The meeting adjourned at 7:05 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(*Recorded by Julie Adams*)

Link to the webcast of this City Council meeting here.

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Approval of Tentative Working Agenda

Meeting Date: October 12, 2020 | Agenda Item Number: 2B
Department: Central Services | Staff Contact: Beth Forrest
www.eugene-or.gov | Contact Telephone Number: 541-682-5882

ISSUE STATEMENT
This is a routine item to approve the City Council Tentative Working Agenda.

BACKGROUND
On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2 notes, in part, that "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

RELATED CITY POLICIES
There are no policy issues related to this item.

COUNCIL OPTIONS
The council may choose to approve, amend or not approve the tentative agenda.

CITY MANAGER'S RECOMMENDATION
The City Manager has no recommendation on this item.

SUGGESTED MOTION
Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

City Council Tentative Agenda

Updated October 7, 2020

**** SPECIAL NOTICE ****

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, all City Council meetings will be held remotely, using virtual meeting technology. Information about how to access these meetings will be available at https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials.

October 2020					
Date	**Day**	**Time**	**Title**	**Length**	**Dept. Contact**
12-Oct	Monday	5:30 pm	Urban Reserves Options (Work Session)	45 mins	Rebecca Gershow, PDD
			UPS Enterprise Zone Extension Request (Work Session and Action)	45 mins	Amanda D'Souza, PDD
		7:30 pm	Committee Reports and Items of Interest		
			Public Forum		
			Airport Master Plan (Action)		Dan Halverson, PDD
			Ordinance on Sheppard Motors Metro Plan Amend. /Zone Change (Action)		Jeff Gepper, PDD
			Ordinance on Digital Sign Code (Action)		Jenessa Dragovich, PDD
Expected absences for 10/12: none					
14-Oct	Wednesday	12 pm	Joint Meeting with Lane County on TAC Implementation (Work Session)	90 mins	Sarai Johnson
Expected absences for 10/14: none					
19-Oct	Monday	5:30 pm ***(scheduled as needed)***	Community Safety Initiative Workshops Update (Work Session)	45 mins	Mike Kinnison, CS
			City Manager Evaluation Process (Work Session)	45 mins	Sarah Medary, CM

Work Session | Action | Public Hearing | Public Forum | Consent Calendar

Committee Reports/Items of Interest | Ceremonial Matters | Pledge of Allegiance

19-Oct	Monday	7:30 pm	Ordinance on Land Use Regulation Extending the Expiration Dates for Certain Land Use Approvals (Public Hearing) URA -Resolution Adopting FY21 Supplemental Budget (PH and Action)		Jeff Gepper, PDD Elizabeth Butterfield, CS
Expected absences for 10/19: none					
21-Oct	Wednesday	12 pm	Urban Reserves Option Direction (Work Session and Action) Housing Status as a Protected Class (Work Session)	45 mins 45 mins	Rebecca Gershow, PDD Michael Kinnison, CS
Expected absences for 10/21: none					
26-Oct	Monday	5:30 p.m.	Human Rights Commission Annual Report (Work Session) Sustainability Commission Annual Report (Work Session)	45 mins 45 mins	Fabio Andrade, CS Samantha Roberts, CS
		7:30 pm	Committee Reports and Items of Interest Public Forum Ordinance on Land Use Regulation Extending the Expiration Dates for Certain Land Use Approvals (Action)		Jeff Gepper, PDD
Expected absences for 10/26: none					
28-Oct	Wednesday	12 pm	Riverfront Redevelopment Virtual Tour (Work Session) Ambulance Transport Fund and Ground Emergency Medical Transportation Update (Work Session)	45 mins 45 mins	Jared Abbott, PDD Chief Heppel, Fire
Expected absences for 10/28: none					

November 2020					
Date	**Day**	**Time**	**Title**	**Length**	**Dept. Contact**
9-Nov	Monday	5:30 pm	Growth Monitoring Update (Work Session) TBD (Work Session)	45 mins 45 mins	Heather O'Donnell, PDD

9-Nov	Monday	7:30 pm	Pledge of Allegiance to the Flag Committee Reports and Items of Interest Public Forum		
Expected absences for 11/9: none					
11-Nov	Wednesday	12 pm	Veterans Day – no meeting		
Expected absences for 11-11: none					
16-Nov	Monday	5:30 pm ***(scheduled as needed)***	Civilian Review Board Annual Report (Work Session) Police Auditor Update (Work Session)	45 mins 45 mins	Mark Gissiner, PA Mark Gissiner, PA
		7:30 pm	Ordinance on Downtown Urban Renewal Amendment for Farmers Market Public Hearing (Public Hearing)		Josh Berman, PDD
Expected absences for 11/16: none					
18-Nov	Wednesday	12 pm	River Road/Santa Clara Neighborhood Plan Update (Work Session) Naming Policy (Work Session)	45 mins 45 mins	Chelsea Hartman, PDD Jason Dedrick, CS
Expected absences for 11/18: none					
23-Nov	Monday	5:30 p.m.	Ordinance on Downtown Urban Renewal Amendment for Farmers Market Public Hearing (Work Session) Wastewater Treatment Plan Resiliency Project (Work Session)	45 mins 45 mins	Josh Berman, PDD Dave Breitenstein, PW
		7:30 pm	Committee Reports and Items of Interest Public Forum		
Expected absences for 11/23: none					
25-Nov	Wednesday	12 pm	***Schedule only as needed***		
Expected absences for 11/25: none					

December 2020					
Date	**Day**	**Time**	**Title**	**Length**	**Dept. Contact**
9-Dec	Wednesday	12 pm	CAP2.0 Update (Work Session) TBD (Work Session)	45 mins 45 mins	Chelsea Clinton, CS
Expected absences for 12/9: none					

14-Dec	Monday	5:30 pm	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
		7:30 pm	Committee Reports and Items of Interest Resolution Acknowledging Receipt of FY20 Comprehensive Annual Financial Report (Consent Calendar 1) Public Forum URA - Resolution Acknowledging Receipt of the FY20 URA Annual Financial Report (Action) URA-Resolution Adopting Supplemental Budget 2 (Public Hearing and Action) Resolution Adopting Supplemental Budget (Public Hearing and Action) Ordinance on Downtown Urban Renewal Amendment for Farmers Market Public Hearing (Action)		Finn Cronin, CS Finn Cronin, CS Elizabeth Butterfield, CS Elizabeth Butterfield, CS Josh Berman, PDD
Expected absences for 12/14: none					
16-Dec	Wednesday	12 pm	Equity in Community Engagement (Work Session) TBD (Work Session)	45 mins 45 mins	Mike Kinnison, CS
Expected absences for 12/16: none					

Council Break: December 17 – January 6

January 2021					
Date	**Day**	**Time**	**Title**	**Length**	**Dept. Contact**
6-Jan	Wednesday	5:30 p.m.	State of the City Address		Niyah Ross, CS
Expected absences for 1/6: none					

11-Jan	Monday	5:30 pm	TBD (Work Session and Action) TBD (Work Session)	45 mins 45 mins	
		7:30 pm	Election of 2021 Council Officers Committee Reports and Items of Interest Public Forum		
Expected absences for 1/11: none					
13-Jan	Wednesday	12 pm	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
Expected absences for 1/13: none					
19-Jan	**Tuesday**	5:30 pm ***(scheduled as needed)***	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
		7:30 pm	TBD (Public Hearing)		
Expected absences for 1/19: none					
20-Jan	Wednesday	12 pm	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
Expected absences for 1/20: none					
25-Jan	Monday	5:30 p.m.	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
		7:30 pm	Committee Reports and Items of Interest Public Forum		
Expected absences for 1/25: none					
27-Jan	Wednesday	12 pm	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
Expected absences for 1/27: none					

February 2021					
Date	**Day**	**Time**	**Title**	**Length**	**Dept. Contact**
8-Feb	Monday	5:30 pm	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
		7:30 pm	Committee Reports and Items of Interest Public Forum		
Expected absences for 2/8: none					
10-Feb	Wednesday	12 pm	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
Expected absences for 2/10: none					
16-Feb	**Tuesday**	5:30 pm ***(scheduled as needed)***	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
		7:30 pm	TBD (Public Hearing)		
Expected absences for 2/16: none					
17-Feb	Wednesday	12 pm	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
Expected absences for 2/17: none					
22-Feb	Monday	5:30 p.m.	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
		7:30 pm	Committee Reports and Items of Interest Public Forum		
Expected absences for 2/22: none					
24-Feb	Wednesday	12 pm	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
Expected absences for 2/24: none					

March 2021					
Date	**Day**	**Time**	**Title**	**Length**	**Dept. Contact**
8-Mar	Monday	5:30 pm	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
		7:30 pm	Committee Reports and Items of Interest Public Forum		
Expected absences for 3/8: none					
10-Mar	Wednesday	12 pm	TBD (Work Session) TBD (Work Session)	45 mins 45 mins	
Expected absences for 3/10: none					

Council Break: March 11 – April 12

Work Session | Action | Public Hearing | Public Forum | Consent Calendar
Committee Reports/Items of Interest | Ceremonial Matters | Pledge of Allegiance

Approved Work Session Polls to be Scheduled	**Councilor**	**Date Approved**
Update Sign Code for Digital Display Techno logy – *action scheduled 10/12*	Pryor	2/14/19
5G/Small Cell – include experience of other cities – *follow-up TBD*	Clark	5/20/19
Expansion of Downtown Urban Renewal District	Evans	12/19/19
"Housing Status" as a Protected Class – *scheduled 10/21*	Semple	03/12/20
Flexible Emergency Loan Fund for Small Businesses	Evans	04/23/20
Equity in Community Engagement	Yeh	08/06/20
City of Eugene Construction Projects Local Stimulus Package	Zelenka	08/13/20
Follow-Up Work Sessions to be Scheduled		
TAC Implementation – *ongoing*		
Commercial Setbacks – *scheduled 9/28*		
Naming Policy – *scheduled 11/18*		

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Public Forum

Meeting Date: October 12, 2020
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT
This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on city-related issues and should not address items which have already been heard by a Hearings Official or are on the present agenda as a public hearing item.

SUGGESTED MOTION
No action is required; this is an informational item only.

FOR MORE INFORMATION
Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Action: An Ordinance Adopting an Updated Eugene Airport Master Plan, a Refinement Plan of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan); Adopting a Severability Clause; and Providing an Effective Date (City File RA 19-2, Lane County File PA 19-5770)

Meeting Date: October 12, 2020 | Agenda Item Number: 4
Department: Planning and Development | Staff Contact: Dan Halverson
www.eugene-or.gov | Contact Telephone Number: 541-682-5410

ISSUE STATEMENT
The Eugene City Council is scheduled to take action on an ordinance adopting the updated Eugene Airport Master Plan, as a refinement to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan). Separate deliberations and action by the Lane County Board of Commissioners is scheduled on October 20, 2020.

BACKGROUND
The current update to the Eugene Airport Master Plan replaces the 2010 update as a refinement to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan). The purpose of this plan is to provide guidance regarding specific airport functions including commercial aviation, general aviation, and airport-related commercial and industrial services associated with the airport. This update, which is required by the Federal Aviation Administration, will serve as a development guide for the airport to meet aviation demand through the planning horizon of 2035. It provides guidance related to possible airport facility improvements, financial and business planning, land use, and project coordination. Similar to the 2010 update, the current update does not include any amendments to the Metro Plan or other regionally and locally adopted plans. No changes to existing land use designations, zoning, or adopted policy are proposed.

The Eugene City Council and Lane County Board of Commissioners held a joint public hearing on September 16, 2020 to consider the proposed update to the Eugene Airport Master Plan. At the hearing, testimony was provided by three people and the record was left open to allow for any additional testimony as well as staff response to questions that were raised by Councilors and Commissioners. The draft ordinance and findings supporting approval are attached (Attachment A), along with staff responses to additional questions that were raised at the public hearing (Attachment B). All written public testimony to date has been provided separately.

Prior to the joint elected official's public hearing, the Eugene and Lane County Planning Commissions held a joint public hearing on November 19, 2019 to consider the proposed update to the Eugene Airport Master Plan. No public testimony, written or spoken was received, and joint deliberations occurred the same night after the public hearing was closed. After deliberations, both Planning Commissions unanimously voted to recommend approval of the proposed ordinance to their respective elected officials.

A complete copy of the updated Eugene Airport Master Plan which is the subject of this action remains available on the City's website for the Eugene Airport at: https://www.eugene-or.gov/1060/Master-Plan-and-Airport-Layout-Plan. Councilors have already received a full set of record materials, including a copy of the master plan on a thumb drive.

PREVIOUS COUNCIL DIRECTION
Council previously moved to initiate this adoption process at its September 9, 2019 Work Session.

COUNCIL OPTIONS
The City Council may consider the following options:
1. Adopt the ordinance as proposed.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Direct the City Manager to schedule another work session on the proposed ordinance.
4. Direct the City Manager to modify the proposed ordinance as directed by the City Council and to schedule another work session on the proposed ordinance.
5. Take no action.

CITY MANAGER'S RECOMMENDATION
The City Manager recommends that the City Council adopt the ordinance as proposed.

SUGGESTED MOTION
Move to adopt the ordinance adopting the updated Eugene Airport Master Plan, as a refinement to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

ATTACHMENTS
A. Draft Ordinance and Findings
B. Staff Memo

FOR MORE INFORMATION
Staff Contact: Dan Halverson, Senior Planner
Telephone: 541-682-5410
Staff E-Mail: DHalverson@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AN UPDATED EUGENE AIRPORT MASTER PLAN, A REFINEMENT PLAN OF THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN); ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Eugene Airport Master Plan set forth in Exhibit A attached hereto and incorporated herein is adopted as a refinement plan to the Transportation Element of the Metro Plan to supersede and replace the previous version of the Eugene Airport Master Plan adopted by Ordinance No. 20463.

Section 2. Although not part of this Ordinance, the City Council adopts the findings set forth in the attached Exhibit B in support of this action.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a 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 effective date of ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of passage by the City Council and approval by the Mayor, or upon the date the Lane County Board of Commissioners has taken action substantively identical to the action taken by the City of Eugene in Section 1 of this ordinance.

Passed by the City Council this

_____ day of _____, 2020

_____
City Recorder

Approved by the Mayor this

_____ day of _____, 2020

_____
Mayor

CITY OF EUGENE ORDINANCE NO. _____
LANE COUNTY ORDINANCE NO. PA 1380
FINDINGS IN SUPPORT OF THE ADOPTION OF
AN UPDATE TO THE EUGENE AIRPORT MASTER PLAN
(FILE# RA 19-2 AND PA 19-5770)

Introduction

The current update to the Eugene Airport Master Plan replaces and updates the previous version (adopted in 2010) as a refinement to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan). The purpose of this plan is to provide guidance regarding specific airport functions including commercial aviation, general aviation, and airport-related commercial and industrial services associated with the airport. As stated in the plan goals and objectives, the current master plan update focuses on the refinement of "landside" components (such as future development of airport-supporting commercial services) and ways to make the airport more financially self-reliant, but also includes improvements within the existing airport boundary to accommodate the Eugene Airport's projected aviation demands. This update uses 2016 as the base year for data and analytical purposes and serves as a development guide through the planning horizon of 2035.

Similar to the 2010 update, the current update does not include any amendments to the Metro Plan or other regionally or locally adopted plans. No changes to existing land use designations, zoning, or adopted policy are proposed. The current update does include recommendations for a variety of airport improvements that will accommodate the Airport's needs into the future, some of which will require further research and analysis to determine the need and timing for any future Metro Plan amendments or zone changes in the vicinity. Those recommendations are further addressed in the findings below and it is emphasized that any specific Metro Plan amendments or zone changes necessary to implement the recommendations of the Eugene Airport Master Plan will require additional public process and formal adoption by the affected jurisdiction(s) in the future.

As addressed in the findings below, the current update of the Eugene Airport Master Plan is consistent with the process and regulations established for airport planning and administered by the Federal Aviation Administration (FAA) and the Oregon Department of Aviation (ODA). The master plan update follows the process set forth in FAA Advisory Circular 150-5070-6B Change 2, Airport Master Plans, and complies with the State's airport planning regulations including applicable Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs). The findings below further demonstrate that adoption of the Eugene Airport Master Plan update is consistent with the applicable local approval criteria for adoption as a refinement to the Metro Plan.

The need for joint City of Eugene and County adoption of the updated master plan stems from the location of the Eugene Airport outside the City's urban growth boundary (UGB), but within the Metro Plan boundary. As a matter of Metro Plan policy, the airport is located outside the UGB to protect aviation functions from incompatible development, as well as to reduce airport-related impacts on development within the UGB. Due to this location, land use regulations for the airport property are under Lane County jurisdiction, and adoption of the refinement plan for this City-owned facility includes both governing bodies. The joint adoption is also appropriate as the updated Eugene Airport

Master Plan will replace the existing plan, which was also adopted jointly.

Approval Criteria and Evaluation

Eugene Code (EC) 9.8424 requires that the following criteria (in **bold**) must be met for adoption of the updated Eugene Airport Master Plan, as a refinement to the Metro Plan:

(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 comprehensive plan.**

(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 federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.**
- **(e) A change in circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.**

Lane Code (LC) criteria at LC 12.225, for approval of a Metro Plan refinement plan amendment, are also included below:

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.**

The findings below address consistency with the applicable approval criteria in support of adoption.

Statewide Planning Goals -- EC 9.8424(1)(a) and LC 12.225

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 City of Eugene and Lane County have acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. Adoption of this update to the Eugene Airport Master Plan, as a refinement of the Metro Plan, does not amend the citizen involvement program of either jurisdiction. The process for reviewing this refinement plan update complies with Goal 1 since it complies with, and surpasses the requirements of, the citizen involvement provisions.

Beyond the locally required public notice and hearings which are described below, as part of the

master planning process, a public communication program was established to provide access to information and provide a conduit for comments and concerns. A Technical Advisory Committee comprised of key airport users, Airport staff, and other technical experts, and a Community Advisory Committee of local community leaders and other local/regional airport stakeholders were convened quarterly for the planning process of the Master Plan. In addition, two public open houses for the development of the master plan update were held, one in downtown and one at the airport.

The City of Eugene and Lane County implement Statewide Planning Goal 1 by requiring that notice of the proposed adoption be given, and public hearings be held prior to adoption. Consideration of the proposed adoption began with a joint public hearing by the Eugene and Lane County Planning Commissions. The joint Planning Commission public hearing on the proposed adoption was duly noticed to the City of Springfield, Lane County, community groups and individuals who have requested notice. The City also mailed notice of the proposed refinement plan update to the Department of Land Conservation and Development, in accordance with State statutes. Notice and opportunity to comment was also provided to the Oregon Department of Transportation (ODOT), and other interested parties including members of the Eugene Airport Advisory Committee. In addition, notice of the public hearing was published in the Register Guard newspaper. The Eugene City Council and Lane County Board of Commissioners also held a duly noticed joint public hearing to consider adoption of the Eugene Airport Master Plan, prior to final action by each local jurisdiction.

These notice requirements and public hearing processes, in addition to the work of the Airport Advisory Committee, have afforded ample opportunity for public input and involvement consistent with the State's citizen involvement provisions required by 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 base for such decisions and actions.

Under Goal 2, the Metro Plan serves as the area's comprehensive, policy framework plan. The current update to the Eugene Airport Master Plan replaces previous version (adopted in 2010) as a refinement to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and is found to be consistent with the policy framework already established by the Metro Plan, and related adopted plans. As required by the approval criteria for adoption of this refinement plan update, findings regarding consistency with the relevant provisions of the Metro Plan are provided later in this evaluation. The proposed update also follows applicable procedures for coordinated adoption by the local governing bodies including the City of Eugene and Lane County.

In addition to its status as a component of the overall comprehensive planning framework, the master plan update is also required to meet FAA requirements for aviation planning and remain eligible for FAA funding for needed Airport improvements. As in the past, the current master plan update was developed consistent with the FAA guidelines for Airport master plans and also accounts for numerous aviation standards relating to airport operations safety, noise and compatibility with surrounding land uses contained in applicable FAA Federal Aviation Regulations. The current update is also consistent with state airport-related objectives outlined in the Oregon

Aviation Plan and promulgated through the state's adopted Aviation System Plan (ASP) and related statutes and administrative rules.

ORS 836.610, Airports and Landing Fields, requires that local comprehensive plans and land use regulations accommodate airport zones and uses for certain publicly owned and privately-owned public use airports. Pursuant to OAR 738-090-0030, the Eugene Airport (a.k.a. Mahlon Sweet Field) is listed as one of the publicly owned airports registered, licensed, or otherwise recognized by the Oregon Department of Transportation (ODOT) and Oregon Aviation Department (ODA).
For airports so listed, ORS 836.610 requires that comprehensive plans be consistent with the provisions in ORS 836.616, which establish rules for airport uses and activities, and ORS 836.619, relating to state rules establishing safety and compatibility standards of land uses near airports.

The Airport Planning Rules contained in OAR 660, Division 13 implement ORS 836.600 through 836.630 and Statewide Planning Goal 12, Transportation. These rules establish parameters for airport planning to support the vitality and economic function of airports and their host communities. As stated in OAR 660-013-0010(1):

> The policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. These rules are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses.

OAR 660-013-0030 requires that local plans for airport operations and development be consistent with the state's adopted Aviation System Plan. The current master plan update serves as the local aviation plan consistent with the Aviation System Plan, under the requirements of ORS 836.600 through 836.630 and applicable OARs. Beyond consistency with these statutory requirements, the current update complies with applicable FAA regulations as described in the master plan update.

Under the state's Transportation Planning Rule, OAR 660-012-0065(1) and (3)(n), permit expansions or alterations of public use airports on rural lands when such improvements do not permit service to a larger class of airplanes and preclude the need to take an exception to Statewide Planning Goals under the standards outlined in Goal 2. The current master plan update does not include any improvements that are proposed which would permit service by a larger class of airplanes and no goal exceptions are required. Conformance with the state's Transportation Planning Rule will be further addressed below as part of the findings relative to Goal 12.

Further, as noted elsewhere in this evaluation, adoption of the current master plan update as a refinement to the Metro Plan remains consistent with and does not include any additional plan amendments to the Metro Plan or other regionally or locally adopted plans. The following policy language from the Metro Plan Transportation Element (Policy F.30, Page III-F-12), is particularly relevant under Goal 2:

> Support public investment in the Eugene Airport as a regional facility and provide land use controls that limit incompatible development within the airport environs. Continue to use the Eugene Airport Master Plan as the guide for improvements of facilities and services at the airport.

The current update includes recommendations for a variety of airport improvements that will accommodate the Airport's needs into the future, some of which will require further research and analysis to determine the need and timing for any future Metro Plan amendments or zone changes in the vicinity. Those recommendations are further addressed in the findings below and it is emphasized that any specific Metro Plan amendments or zone changes necessary to implement the recommendations of the Eugene Airport Master Plan will require additional public process and formal adoption by the affected jurisdiction(s) in the future.

As such, the current master plan update is consistent with Statewide Planning Goal 2 as it relates to updating a refinement to the Metro Plan and does not create internal inconsistencies with the Metro Plan.

Goal 3 - Agricultural Land: To preserve and maintain agricultural lands.

Adoption of the current master plan update does not include any changes to existing Agricultural land use designations in the surrounding area, and OAR 660-012-0065(1) and (3)(n), allowing airport improvements contemplated in the master plan update without the need for a Goal exception.

The current master plan update does consider impacts related to noise from airport operations and possible impacts from surrounding land uses on aviation safety. Existing and proposed airport improvements are compatible with agricultural uses per standards set forth in OAR 660-013-0040, et seq; ODOT's Oregon Airport Land Use Compatibility Guidelines; and relevant Metro Plan policies and local ordinances.

As such, adoption of the current master plan update is consistent with Statewide Planning Goal 3 and will not otherwise affect Metro Plan compliance with this Goal.

Goal 4 - Forest Land: To conserve forest lands.

There are no parcels within the airport boundary or surrounding area currently designated as Forest Land. Also, even if forest resources were feasible in the subject area, such uses could be considered incompatible with airport operations given height restrictions and air safety standards.

Adoption of the current master plan update does not include any changes to existing Forest Land use designations, and OAR 660-012-0065(1) and (3)(n) allow airport improvements contemplated in the master plan update without the need for an exception to Goal 4.

As such, adoption of the current master plan update is consistent with Statewide Planning Goal 4 and will not otherwise affect Metro Plan compliance with this Goal.

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

Adoption of the current Eugene Airport Master Plan update does not include any plan

amendments that would affect Goal 5 resources. The following administrative rule (OAR 660-023-0250) is applicable to post-acknowledgement plan amendments concerning Goal 5:

> (3) Local governments are not required to apply Goal 5 in consideration of a Post-Acknowledgment Plan Amendment (PAPA) unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:
>
> (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
>
> (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
>
> (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

Adoption of the Eugene Airport Master Plan update as a refinement to the Metro Plan will not create or amend a list of Goal 5 resources, a plan or a land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5. Adoption of the master plan update will not allow any new conflicting uses or amend the acknowledged Urban Growth Boundary. Therefore, adoption does not trigger the need to consider Goal 5 pursuant to OAR 660-023-0250(3).

The only Lane County Goal 5 waterway identified in the vicinity traverses the boundary of the site near its southwest corner and is not impacted by any of the recommendations in the master plan update. To the extent that construction of future airport improvements contemplated in the master plan update may impact other jurisdictional wetlands in the area, as discussed in Chapter 4, Airport Development Alternatives, avoidance and minimization alternatives have been considered. Some of the wetland areas considered in alternative development scenarios for the airport have already been filled and mitigated through past permitting. Prior to any development in areas not already delineated or filled, further wetlands analysis and delineation will be required. If wetlands are in fact present, then state and federal wetlands regulations and permitting processes will need to be satisfied before construction, in addition to any related County requirements.

As such, adoption of the current master plan update is consistent with Statewide Planning Goal 5 and will not otherwise affect Metro Plan compliance with this Goal.

Goal 6 - Air, Water and Land Resources 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 proposed refinement plan update does not amend the metropolitan area's air, water quality or land resource policies. Future

development recommended in the updated master plan will be required to comply with all local, state, and federal regulations regarding land, air, and water discharges and emissions. To the extent that any of the future airport improvements within the updated master plan may create additional impacts to air, water or land resources, state and local permitting processes will ensure that discharges do not exceed allowable standards.

The updated Eugene Airport Master Plan otherwise demonstrates that future development can be reasonably expected to comply with applicable environmental laws. As such, adoption of the current master plan update is consistent with Statewide Planning Goal 6 and will not otherwise affect Metro Plan compliance with this Goal.

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 updated Eugene Airport Master Plan is consistent with Goal 7 because the only identified potential natural hazards are areas within the 100-year floodplain located inside the airport boundary, and future development proposed must comply with local, state, and federal regulations pertaining to building and construction relative to floodplain areas.

Limited areas within the airport boundary are in the 100-year floodplain (Zone A). These areas are associated with drainages carrying runoff to the Clear Lake Channel and Amazon Canal system at the periphery of the airport within runway protection zones and other areas not scheduled for immediate development and currently have no operational impacts. If future development were to impact any areas within the 100-year floodplain, it would be subject to applicable regulatory standards and local permitting requirements for floodplain development to ensure life and property is adequately protected.

The airport is too far from the ocean and significant landforms to be subject to natural disasters or hazards such as landslides or tsunamis. Although much of western Oregon is subject to potential earthquake hazards, detailed fault locations have not been mapped for the subject area. Future construction recommended in the updated master plan will be subject to current earthquake standards contained in building codes and will therefore pose minimal risk associated with potential earthquakes. Other potential hazards, such as severe winter storms and wildfires can also be mitigated at the time of development based on accepted building codes and building techniques.

As such, adoption of the current master plan update is consistent with Statewide Planning Goal 7 and will not otherwise affect Metro Plan compliance with this Goal.

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.

The updated Eugene Airport Master Plan is consistent with Goal 8 because there are no public

parks and no land within or near the Eugene airport boundary that are zoned or designated for park use. The nearest public park, Golden Gardens Park, is located approximately 2.1 miles from the airport (driving distance to the park is 3.2 miles). The nearest developed public park is Lane County's Orchard Point Park, located at the northeast edge of Fern Ridge Reservoir, approximately 5.5 miles west of the airport. None of the proposed development at the airport for the 20-year planning period requires the use or acquisition of publicly owned park or recreation area.

As such, adoption of the current master plan update is consistent with Statewide Planning Goal 8 and will not otherwise affect Metro Plan compliance with this Goal.

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 within an urban growth boundary relative to community economic objectives. Since adoption of the master plan update does not include any land within the urban growth boundary, nor any change to existing land use designations (particularly no conversion of industrial or commercial use to another designation), no additional analysis is required under the implementing provisions of OAR 660-009-0010.

The current update of the Eugene Airport Master Plan is consistent with Goal 9 because proposed improvements will continue to enhance the viability of the Eugene Airport which supports the area's economic vitality as Oregon's second largest airport. It is identified in the adopted Oregon Aviation Plan as a Level 1 commercial service airport, the most significant type within the state's system of public airports. The improvements proposed in the current master plan update will assure that necessary facilities will be available to support airport functions through 2035, and consequently the area's economic development needs.

The current Eugene Airport Master Plan update is otherwise consistent with state policy governing local government airport regulations. ORS 836.600 states:

> In recognition of the importance of the network of airports to the economy of the state and the safety and recreation of its citizens, the policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. Such encouragement and support extend to all commercial and recreational uses and activities described in ORS 836.616(2).

Because the Metro Plan, the state's adopted Aviation Plan, and state policy acknowledge the airport's role in meeting the area's economic development objectives, the current master plan update is consistent with Statewide Planning Goal 9, and approval will not affect Metro Plan compliance with this Goal.

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

Goal 10 requires communities to plan an adequate supply of residential buildable land to accommodate estimated housing need for a 20-year planning period, within an urban growth

boundary. Because the Eugene Airport is not within an urban growth boundary, it is not included within any supply of residential buildable land. No land is being re-designated from residential to a nonresidential use, and the update does not otherwise diminish the amount of land available for residential use. Nonetheless, it is notable that the master plan update thoroughly considers two operational issues that relate to the compatibility of nearby housing or residential uses and the airport: safety and noise.

The FAA establishes safety rules regarding airspace safety within airport environs through Federal Aviation Regulation (FAR) Part 77. Part 77 establishes safety zones around runways to preclude the location of structures or other land uses that would create obstructions or pose undue hazards to air navigation. The two- and three-dimensional "imaginary surfaces" created in Part 77 are codified through requirements outlined in OAR 738-0070 and local codes (Lane Code and Eugene Code). Additional runway protection zones at and near the ends of runways are defined by the FAA relative to airport design criteria to assure safe and efficient airport operations.

These imaginary surfaces and runway protection zones are described and depicted in the master plan update. In the event of any extension of runway protection zones or changes to protected airspace as described in the master plan update, additional analysis is necessary to determine the extent of any needed changes to local zoning and plan designations. Future property acquisition and land use designation changes may also be necessary to accommodate extended runway protection zones in the future. The master plan update recommends a detailed analysis of existing land use protection measures and what changes may be needed to accommodate future airport improvements, prior to implementation.

Another compatibility issue between the airport and residential development pertains to noise impacts. FAA regulations define acceptable noise exposure contours as measured in yearly day-night average sound levels (DNL). The FAA and other federal agencies establish 65 DNL as the threshold considered as a significant noise impact. Airport noise contours were updated for the baseline year (2016) and forecast year (2025). There are no incompatible land uses within the 65 DNL contours and as stated in the updated master plan, all residential areas are considered compatible with cumulative noise levels below DNL 65 dba.

As such, adoption of the current master plan update 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 Eugene Airport is currently served by the full range of urban services through previous exceptions allowing such services to be extended to the airport outside of the UGB and as provided for in the Metro Plan Public Facilities and Services Element (Policy G.26, Page III-G-12). Findings in the Metro Plan also confirm that the area of the airport designated Government and Education on the Metro Plan diagram receives municipal water, wastewater, fire and police services. Proposed improvements in this area would therefore be served by extension of currently available key urban services.

The City of Eugene provides wastewater sewer facilities to the airport as well as police and fire protection. The City's Airport Rescue and Firefighting station is supplemented by response as necessary from the Lane Rural Fire Protection District. Other services are provided by other local and regional utilities. Water service is provided by the Eugene Water and Electric Board (EWEB), and EWEB and the Emerald People's Utility District both provide electrical service to the airport. Telecommunications services are provided by CenturyLink and Lane Council of Governments. Natural gas is provided by Northwest Natural. On-site storm water runoff is controlled by piped and open channel drainage systems in the area.

Adoption of the master plan update will not require new services beyond those currently available to serve airport and airport-related functions. Furthermore, extension of services for future development to meet the demands outlined in the master plan update is wholly consistent with the Metro Plan and prior City determinations.

In addition to the demonstration made through the above findings, an exception from Statewide Planning Goal 11 is not necessary based upon OAR 660-012-0065(1) and (3)(n). As previously described, these administrative rules preclude the need to take an exception to Goal 11 (and Goals 3, 4, and 14) if the proposed amendments do not permit service to a larger class of airplane. The current master plan update does not include any amendments to land use designation or proposed improvements through the planning horizon of 2035 that would permit service to a larger class of aircraft than is currently provided.

As such, adoption of the current master plan update is consistent with Statewide Planning Goal 11 and will not affect Metro Plan compliance with the Goal.

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

Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, *et seq.* The TPR states that when land use changes, including amendments to acknowledged comprehensive plans, will significantly affect an existing or planned transportation facility, the local government must put in place measures to assure that the allowed land uses are consistent with the function, capacity, and performance standards of those transportation facilities.

As previously described, adoption of the current master plan update does not include any amendments to the Metro Plan, adopted land use designations or existing zoning. No changes are proposed to the functional classification of any roadways serving the airport. Adoption of the updated refinement plan is not anticipated to reduce any existing transportation facilities below accepted levels of service or otherwise significantly affect any transportation facilities as outlined in the TPR. The proposed updated master plan is proposing to improve the loop road along with adjacent parking, reconfigure the entryway to the airport with a roundabout, and also proposing a cell phone waiting lot for future use off Northrup Drive. With these improvements the current master plan does not include any new planned transportation facility projects or major roadway realignments that would require formal plan amendments.

As noted in Chapter 2 of the updated master plan, the Eugene Airport will continue to accommodate the Boeing 737-300 aircraft which has an FAA Airport Reference Code (ARC) of C-III. The current air carriers at the Eugene Airport use a mix of regional jet aircraft and medium sized passenger jets such as the Airbus A319 and the Boeing 737. To the extent that future airport improvements may result in additional motor vehicle traffic impacts, County traffic impact analysis requirements will be addressed as development and permitting occurs.

As the current master plan update is consistent with OAR 660-012-0065 as well as other OARs within the state Transportation Planning Rule and ORS, adoption is consistent with Goal 12 and will not affect Metro Plan compliance with the Goal.

Goal 13 - Energy Conservation: To conserve energy.

The current master plan update is consistent with Goal 13 because the proposed airport development will strengthen the substantial investments made in the existing airport, enhance the viability of air transportation for people and goods proximate to the state's second largest population center, and offer an alternative to potentially less fuel-efficient transportation modes.

The recommendations contained in the master plan update will support a vital airport serving the air cargo, air mail, and commercial and general aviation needs of Eugene, Springfield, Lane County and the greater Eugene Airport service area. In meeting the updated master plan's demand projections and facility capacity requirements, considerable energy will be conserved from export passengers and air freight to more distant airfields, including Portland International Airport. Using alternative airports to meet commercial and general aviation demands and transporting air freight, mail, and cargo to more distant airfields by other transportation modes (i.e., truck or rail) for shipping would result in potentially less efficient energy use, contrary to Goal 13.

There are a number of past and future examples that further illustrate the airport's ongoing commitment to energy conservation consistent with Goal 13. The airport has in the past and will continue to strive for ways to reduce energy consumption. As individual projects and improvements contemplated in the updated Eugene Airport Master Plan are implemented over time, new technology and opportunities for energy conservation are certainly considered to reduce cost and impact on the environment.

For example, in 2010, the airport received Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council for the air cargo building. This building represents the first City of Eugene LEED building. Additionally, in 2011, the airport received LEED Silver certificate for the Aircraft Rescue and Fire Fighting building. The airport has committed to implementing sustainable initiatives during its development projects.

While Lane Transit District (LTD) bus service is not currently available to the airport, shuttle service is provided, and the airport continues to explore possibilities that would support economically viable public (or shared private) transportation options to reduce non-renewable energy use and parking demand at the airport. All airport vehicles running diesel fuel are now operating off of Bio-5 or Bio-20 fuel and analysis will also be conducted on the feasibility of adding electric vehicle charging stations to the public parking lots in the future. Bicycle storage lockers are also available

at the airport to accommodate and support alternative transportation options.

Based on these findings and the available information, adoption of the current master plan update is consistent with Statewide Planning Goal 13 and will not affect Metro Plan compliance with the Goal.

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

Goal 14 requires that comprehensive plans provide for orderly and efficient transition from rural to urban land uses, and the establishment of Urban Growth Boundaries (UGBs) around incorporated cities to assure compact and efficient urban growth inside the UGB and protection of rural resources outside of it.

Findings included in the Metro Plan Transportation Element (Page III-F-11) specifically note that the Eugene Airport is located outside the UGB to protect it from incompatible development as well as to reduce airport-related impacts on development within the UGB. It also notes that the area of airport designated government and education on the Metro Plan diagram receives municipal water, wastewater, fire, and police services. As previously discussed with respect to Goal 11, adoption of the master plan update will not require new urban services beyond those currently available to serve airport and airport-related functions. Furthermore, extension of services for future development to meet the demands outlined in the master plan update is wholly consistent with the Metro Plan and prior City determinations. Metro Plan Policy F.30 also supports the use of the Eugene Airport Master Plan as the guide for improvements of facilities and services at the airport.

As previously noted, OAR 660-012-0065(1) and (3)(n) preclude the need to take an exception to Goal 14 because the proposed improvements do not permit service to a larger class of airplanes.

As such, adoption of the current master plan update is consistent with Goal 14 and will not affect the Metro Plan compliance with Statewide Planning Goal 14.

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 Eugene Airport is not within the boundaries of the Willamette River Greenway. Therefore, Statewide Planning Goal 15 is not relevant, and adoption of the master plan update will not affect compliance with Statewide Planning Goal 15.

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

There are no coastal, ocean, estuarine, or beach and dune resources in proximity to the Eugene Airport. Therefore, these goals are not relevant, and adoption of the master plan update will not affect compliance with Statewide Planning Goals 16 through 19.

Metro Plan Consistency -- EC 9.8424(1)(b) and LC 12.225

The Metro Plan serves as the area's comprehensive, policy framework plan. The current update to the Eugene Airport Master Plan replaces earlier versions as a refinement to the Metro Plan and is found to be consistent with the policy framework already established by the Metro Plan. As previously discussed, adoption of the updated master plan is supported by a variety of Metro Plan policies including the following from the Transportation Element (Policy F.30, Page III-F-12):

> Support public investment in the Eugene Airport as a regional facility and provide land use controls that limit incompatible development within the airport environs. Continue to use the Eugene Airport Master Plan as the guide for improvements of facilities and services at the airport.

As stated previously, similar to the 2010 update, the current update does not include any amendments to the Metro Plan or other regionally or locally adopted plans. No changes to existing land use designations, zoning, or adopted policy are proposed. The current update does include recommendations for a variety of airport improvements that will accommodate the Airport's needs into the future, some of which will require further research and analysis to determine the need and timing for any future Metro Plan amendments or zone changes in the vicinity. It is emphasized that any specific Metro Plan amendments or zone changes necessary to implement the recommendations of the updated Eugene Airport Master Plan will require additional public process and formal adoption by the affected jurisdiction(s) in the future.

Based on the available information and findings above, adoption of the current master plan update is consistent with the Metro Plan and will not otherwise make the Metro Plan internally inconsistent, as required.

Refinement Plan Consistency -- EC 9.8424(1)(c) and (2)

Adoption of the current Eugene Airport Master Plan update will entirely replace the previously adopted version and there are no remaining portions of prior plan to be addressed under EC 9.8424(1)(c). The need for adoption of the updated refinement plan is based on federal and state and local requirements for coordinated aviation planning. Consistent with EC 9.8424(2)(b), new inventory information contained in the master plan update, concerning airport facilities and projected demand, supports the recommendations for future improvements to accommodate the Eugene Airport's needs through the planning horizon of 2035.

EUGENE AIRPORT

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MEMORANDUM

Date: September 25, 2020

To: Eugene City Council and Lane County Board of Commissioners

From: Cathryn Stephens, A.A.E., Acting Airport Director;
Dan Halverson, Senior Planner, Planning and Development Department

Subject: Public Hearing Follow-up for the Eugene Master Plan Update

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Following the September 16, 2020 joint public hearing on the adoption of the updated Eugene Airport Master Plan, several City Councilors and County Commissioners asked questions and, in some cases, requested that staff provide additional information. The record was left open which allows additional information to be provided to both jurisdictions prior to final action. As noted at the hearing, the City Council is scheduled to take action on adoption of the updated master plan on Monday, October 12, 2020. Lane County is scheduled for final action the following week, on October 20, 2020.

In addition to the questions that were answered by staff at the hearing, information is provided below as follow-up on topics related to:

- Conservation and Carbon Emissions;
- Hearing Loops;
- The River to Ridges Entryway Monument; and,
- The City of Eugene Climate Action Plan (CAP) relating to the airport.

Some of the information concerning the above inquiries is not contained or addressed in the updated master plan, nor required as part of the approval criteria to adopt the master plan. The following memo includes additional details provided by staff in response to some of the inquiries that were raised.

The purpose of the Airport Master Plan is to provide guidance regarding specific airport functions including commercial aviation, general aviation, and airport-related commercial and industrial services associated with the airport. The plan goals and objectives state that the update also focuses on the refinement of “landside” components (such as future development of airport-supporting commercial services) and ways to make the airport more financially self-

reliant, but also includes improvements within the existing airport boundary to accommodate the Eugene Airport's projected aviation demands in the future.

The plan does not provide fine-grained details of construction of possible future improvements but rather, a wider view of planning for the growth and future needs of the region. The Airport Master Plan is also a required document that is based on Federal Aviation Administration (FAA) demand forecasts. The Facility Requirements, Airport Development Alternatives, Implementation, and Financing Plans, all parts of the master plan, are developed in response to those projections. The Planning Activity Level (PAL) thresholds dictate when airport activity reaches a level in which expansion is needed to meet the projected demand. As with all points in history the demand will ebb and flow. If the demand has dropped, as has happened with the current pandemic, the PAL will not be reached as soon but will still be reached at some point in the future.

Conservation and Carbon Emissions

Several questions and testimonies were received about the conservation and carbon emission issues arising from the airport itself. One Commissioner asked staff to look into the possibility of joining a carbon emissions group called "Carbon Accreditation Group" that one public comment brought to the attention of both jurisdictions during the meeting. Staff reviewed Chapter 7 of the Airport Master Plan, which is the Environmental Overview and NEPA Guidance, as well as the additional studies commissioned for the master plan, including the: Recycling, Reuse, and Waste Reduction Plan; Facilities Energy Audits; and Solar Feasibility Study.

The Airport Carbon Accreditation program, sponsored by Airports Council International, was considered during the master plan update process but was determined to be very costly for a mid-size to smaller airport. Even at the base level the accreditation has an annual administrative cost of $20,000 and increases at each additional level of accreditation. Staff felt that the intended outcomes of the accreditation could be achieved by investing funds into carbon-reducing activities instead of these program fees. Additionally, when Airport staff learned of the opportunity to participate in a pilot program for the Airport Cooperative Research Program (ACRP), the Guidebook for Developing a Zero or Low Emission Roadmap, staff competed for the opportunity and were selected for the project. As one of only two airports nationwide selected as active participants in refining this Roadmap which will be used at airports across the country, this opportunity came with an investment in staff time, but no cash output for program administration. Additional details on the draft Roadmap are included in the Eugene Airport Environmental Sustainability Update, emailed to you on September 16th by Airport staff, including the possible additional exploration of utilizing next-generation solar cells to reduce greenhouse gas emissions.

Hearing Loops

The Airport Master Plan is a guiding document required by the FAA and used to plan for the growth of the region and needs from the airport. Prior to the details of construction and terminal expansion is when technology such as the Hearing Loop would be included and studied for feasibility. While recognizing that large scale installations of this technology should be done at the time of a building expansion, it is possible to explore retrofitting existing facilities. A public comment suggested that a small-scale test at one of the airline ticket counters could

assist the airport staff with identifying potential metal interference in the cabinetry and troubleshoot issues ahead of a large-scale installation with the future expansion. Airport staff is reviewing this possibility but even to be able to move forward with a test of this technology right now, given the financial constraints due to the impacts of the pandemic, staff would need to look for grant or sponsorship opportunities to fund this project. As the economy recovers and the financial outlook of the airport gets back to normal, staff could certainly look into the feasibility of all types of technologies to create a better airport experience for all flyers.

The Rivers to Ridges Entryway Monument

One public comment was about the "Rivers to Ridges" visions and strategies study, primarily dealing with metropolitan regional parks and open space. The letter asked if the airport could work with the City to create a "Community Gateway" as identified in the Rivers to Ridges document. The gateways identified in the River to Ridges study are for major points of entry into the community and several possible points are identified in the document. The area identified near the airport is to the south of the airport and not on airport property. The River to Ridges study is also not adopted as land use regulation or part of the approval criteria for adoption of the updated Airport Master Plan.

Airport staff has had discussions in the past with Planning and Development staff on creating a community entryway at the intersection of Greenhill Road and Airport Road (where the road curves around). This area is beyond the footprint of the Eugene Airport property currently, but airport staff are supportive of this idea in the future. The airport did build a new entry sign at the Airport (EUG) and they were mindful to make it curved, so that it was also a welcome sign, creating a similar community gateway idea. Again, when the financial situation gets better and funds are available, the airport and the City could work on the possibilities of entry monuments.

The City of Eugene Climate Action Plan (CAP)

Eugene's community-wide sector-based greenhouse gas inventory was used as the basis for the CAP2.0. It includes emissions from the local purchase of jet fuel, aviation gasoline, E10 gasoline, and B5 Diesel fuels used for all outbound flights and ground equipment used at Eugene's airport (Mahlon Sweet Field). Specific climate actions to address emissions from the Airport were not documented as a part of the CAP2.0 process. With that said, the airport, as mentioned above in the carbon emissions section, is looking into reducing its carbon footprint in a several ways for the landside developments. By participating in a pilot program for the Airport Cooperative Research Program (ACRP), a Guidebook for Developing a Zero or Low Emission Roadmap, the airport is focusing on their carbon footprint. The Eugene Airport is a leader in this work, being one of only two airports nationally participating in this program.

The airport has in the past and will continue to strive for ways to reduce energy consumption in their landside business model. As individual projects and improvements contemplated in the updated Eugene Airport Master Plan are implemented over time, innovative technology and opportunities for energy conservation will most certainly be considered to reduce cost while also reducing impacts on the environment. A great example of the direction the airport is going towards is the Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council that was received in 2010 for the air cargo building. This building

represented the first City of Eugene LEED building, of which there are several others within the City now. Additionally, in 2011, the airport received another LEED Silver certificate for the Aircraft Rescue and Fire Fighting building. The airport has committed to implementing sustainable initiatives during its development of projects.

FOR MORE INFORMATION:

Please contact Airport Staff: Cathryn Stephens, A.A.E., Acting Airport Director, by phone at: 541-682-5430 or by email at: CStephens@eugene-or.gov

City of Eugene staff: Dan Halverson, Senior Planner, City of Eugene Planning Division, by phone at: 541-682-5410 or via email at DHalverson@eugene-or.gov

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Action: An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan Diagram and the Willakenzie Area Plan Diagram to Redesignate the Property Identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-03-16-44, Tax Lots 400 and 800 from Campus Industrial to Light Medium Industrial and Rezone the Property from E-1 Campus Employment to E-2 Mixed Use Employment

Meeting Date: October 12, 2020 | Agenda Item Number: 5
Department: Planning & Development | Staff Contact: Jeff Gepper
www.eugene-or.gov | Contact Telephone Number: 541-682-5282

ISSUE STATEMENT

The City Council is scheduled to take action on an ordinance approving zoning and designation changes on five lots referred to as the Sheppard Motors property (City files: MA 20-1, RA 20-1, & Z 20-1). If adopted, the ordinance would approve a Metro Plan Amendment and Refinement Plan Amendment to change the plan designation on the properties from Campus Industrial to Light-Medium Industrial, with a concurrent Zone Change from E-1 Campus Employment to E-2 Mixed Use Employment. The subject property consists of five undeveloped tax lots totaling approximately 17 acres located between I-5 and Old Coburg Road, on the south side of North Game Farm Road. A vicinity map showing the location of the subject property and existing zoning of the surrounding area is provided in Attachment A.

BACKGROUND

The applicant, Sheppard Motors, applied for a privately initiated, site-specific Metro Plan Amendment, Refinement Plan Amendment, and concurrent Zone Change, all of which are necessary to achieve the applicant's ultimate goal of developing an automobile dealership on the subject property.

The proposed zone change would rezone the subject property from E-1 Campus Employment to E-2 Mixed Use Employment. The proposed site-specific amendments to the land use diagrams of both the Metro Plan and Willakenzie Area Plan would change the designation of the subject property from Campus Industrial to a Light-Medium Industrial plan designation, which is necessary to facilitate the requested zone change. While the applicant has articulated an intended future use for the property, specifically an automobile dealership, the application before the Council is for a change to the Metro Plan and refinement plan designations and a zone change, not for a specific use. If this application is approved, the subject property could be developed with any

use permitted in the E-2 zone, as identified in EC Table 9.2450. Detailed maps showing the proposed plan amendments and zone change are included as Exhibits A-E of the draft ordinance (see Attachment B).

More details on this request can be found in the materials provided to the Council for the public hearing on September 21, 2020. Councilors were previously provided a full set of record materials on a thumb drive. Otherwise, application materials can be made available to anyone in hardcopy or electronic format upon request.

Planning Commission Process & Recommendation
The Planning Commission held a public hearing on July 28, 2020, to consider the proposed amendments to the land use diagrams of the Metro Plan and Willakenzie Area Plan as well as the proposed zone change. The webcast of the meeting is available here. Prior to the public hearing, three pieces of written testimony were received, one in support of the proposal and two opposed. One person testified at the public hearing and spoke in favor of the proposal.

Following the public hearing, the Planning Commission deliberated on August 3, 2020, and unanimously voted to recommend approval of the proposed amendments and zone change. However, the Commission wanted to provide comments to Council expressing concerns about other uses of the property that would be permitted in the E-2 zone, in the event that the proposed Sheppard Motors' automobile dealership were not to come to fruition. Based on these concerns, the Commission included as part of their recommendation for approval that, if an auto dealership is not developed as intended, the City Council consider initiating a process to revert the site to its current Campus Industrial designation and E-1 zoning.

City Council Process & Public Hearing
This request is subject to Metro Plan Amendment procedures at Eugene Code 9.7700-9.7735, and the decision must be based on the approval criteria from EC 9.7735, EC 9.8424, and EC 9.8865. The City Council held a public hearing on the application on September 21, 2020. The applicant and one additional speaker provided testimony in support of the application. No one testified in opposition to the application. No written testimony was received at the September 21, 2020, public hearing.

Draft Ordinance Revision
The text of the ordinance posted for the City Council's September 21, 2020, public hearing did not include a condition of approval related to the allowed number of vehicle trips for the site (Trip Cap Condition). The Trip Cap Condition was included in the proposed findings attached to the posted version of the ordinance, but staff would like to explicitly include the condition in the ordinance itself. A revised version of the ordinance that includes the Trip Cap Condition is included as Attachment B, and the revisions are highlighted in Track Changes. Staff recommends adoption of the revised ordinance that includes the Trip Cap Condition. The Planning Commission's recommendation was based on the inclusion of this proposed condition of approval and was considered during deliberations on August 3, 2020. The proposed condition of approval was proposed by the applicant for compliance with Statewide Planning Goal 12 and including it within the ordinance ensures future compliance in the event the ordinance is adopted.

Assessor's Map Number Correction
The agenda item summary (AIS) and proposed ordinances provided to the City Council for the September 21, 2020, public hearing incorrectly referred to Assessor's Map 17-09-16-44, instead using the correct reference, which is Assessor's Map 17-03-16-44. The revised version of the ordinance attached to this AIS has been updated to reflect the correct Assessor's Map number. The materials provided by the applicant include the correct Assessor's Map reference, as do most of the materials provided to the Planning Commission. The erroneous Assessor's Map reference surfaced in the Planning Commission AIS and was included in the materials associated with the City Council's public hearing. Throughout this land use application process, all maps provided to the Planning Commission and the Council accurately depicted the subject property; despite the erroneous Assessor's Map number, there should not be any confusion about which properties are included in this application.

COUNCIL OPTIONS

The City Council may:

1. Adopt the ordinance as proposed in Attachment B to this AIS.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Direct the City Manager to schedule another work session on the proposed ordinance.
4. Direct the City Manager to modify the proposed ordinance as directed by the City Council and to schedule another work session on the proposed ordinance.
5. Take no action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the ordinance as provided in Attachment B.

SUGGESTED MOTION

Move to adopt the Ordinance, included as Attachment B to this AIS, amending the Eugene-Springfield Metropolitan Area General Plan Diagram and the Willakenzie Area Plan Diagram to redesignate the property identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-03-16-44, Tax Lots 400 and 800 from Campus Industrial to Light Medium Industrial and rezone the property from E-1 Campus Employment to E-2 Mixed Use Employment.

ATTACHMENTS

A. Vicinity Map
B. Revised Ordinance including Trip Cap Condition
   Exhibit A: Proposed Designation Map – Metro Plan's Plan Diagram
   Exhibit B: Proposed Designation Map – Willakenzie Area Plan's (WAP) Land Use Diagram
   Exhibit C: Proposed Designation Map – WAP's Land Use Diagram (Northeast Portion)
   Exhibit D: Proposed Designation Map – WAP's Coburg-Crescent Subarea Diagram
   Exhibit E: Proposed Zone Change Map
   Exhibit F: Proposed Findings

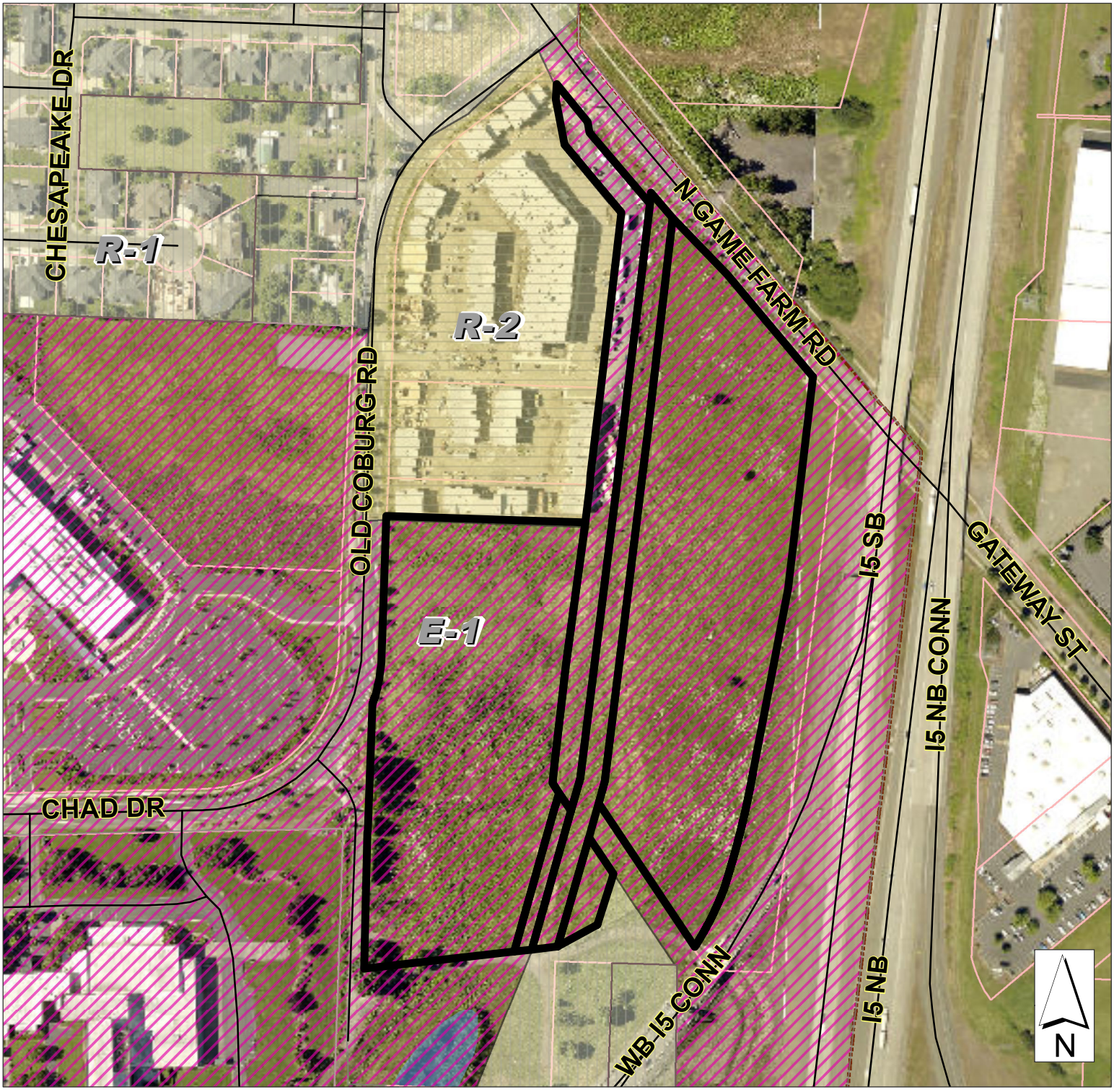
FOR MORE INFORMATION

Staff Contact: Jeff Gepper, Senior Planner
Telephone: 541-682-5282
Staff E-Mail: JGepper@eugene-or.gov

VICINITY MAP

Attachment A

Sheppard Motors [Eugene Audi] - (MA 20-1 / RA 20-1 / Z 20-1)
Metro Plan Amendment, Refinement Plan Amendment, & Zone Change



Legend

- Subject Property
- Eugene UGB
- Taxlots
- Streets
- E-1 Campus Employment
- R-1 Low-Density Residential
- R-2 Medium-Density Residential

07/14/2020

Caution:
This map is based on imprecise source data, subject to change, and for general reference only.

ORDINANCE NO._____

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM AND THE WILLAKENZIE PLAN DIAGRAM TO REDESIGNATE THE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-16-41, TAX LOTS 201, 300 AND 400 AND ASSESSOR'S MAP 17-03-16-44, TAX LOTS 400 AND 800 FROM CAMPUS INDUSTRIAL TO LIGHT MEDIUM INDUSTRIAL AND REZONE THE PROPERTY FROM E-1 CAMPUS EMPLOYMENT TO E-2 MIXED USE EMPLOYMENT.

The City Council of the City of Eugene finds as follows:

A. On January 17, 2020, Sheppard Motors, LLC submitted an application for a Type I amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) plan diagram, a refinement plan amendment to the Willakenzie Area Plan land use diagram and subarea diagram for consistency with the Metro Plan, and a concurrent zone change to redesignate and rezone the property identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-03-16-44, Tax Lots 400 and 800. The applicant requested a Metro Plan designation change from the Campus Industrial designation to a Light-Medium Industrial designation. Approval of the Metro Plan amendment results in the automatic concurrent amendment of the Willakenzie Area Plan land use diagram and Coburg-Crescent Subarea Diagram, giving the subject property a Light-Medium Industrial designation under the Willakenzie Area Plan. The zone change requested by the applicant would rezone the subject property from E-1 Campus Employment to E-2 Mixed Use Employment.

B. On July 28, 2020, the Eugene Planning Commission held a public hearing on the application. The Eugene Planning Commission recommended that the Eugene City Council adopt the proposed amendments to the Metro Plan plan diagram as shown in Exhibit A, and the Willakenzie Area Plan land use diagram as shown in Exhibit B.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Eugene-Springfield Metropolitan Area General Plan land use diagram is amended to redesignate the property identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-03-16-44, Tax Lots 400 and 800, from Campus Industrial to Light-Medium Industrial, as depicted on Exhibit A attached hereto and incorporated herein by reference.

Section 2. Consistent with the provisions of section 9.7730(5) of the Eugene Code, 1971:

(a) The Willakenzie Land Use Diagram and Willakenzie Land Use Diagram (Northeast Portion) located between pages 19 and 20 of the Willakenzie Area Plan are amended to redesignate the property identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-03-16-44, Tax Lots 400 and 800, from Campus Industrial to Light-Medium Industrial, as depicted on Exhibits B and C attached hereto and incorporated herein by this reference.

(b) The Coburg-Crescent Subarea Diagram located at page 62 of the Willakenzie Area Plan is amended to add "Light-Medium Industrial" to the legend for the diagram and to redesignate the property identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-03-16-44, Tax Lots 400 and 800, from Campus Industrial to Light-Medium Industrial, as depicted on Exhibit D attached hereto and incorporated herein by this reference.

Section 3. The property identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-03-16-44, Tax Lots 400 and 800, is rezoned from E-1, Campus Employment to E-2 Mixed Use Employment, as depicted on Exhibit E attached hereto and incorporated herein by this reference.

Section 4. The findings set forth in the attached Exhibit F are adopted in support of this Ordinance.

Section 5. Based on the findings set forth in Exhibit F attached hereto and adopted as findings in support of this Ordinance, the following limitation on development of the property identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-03-16-44, Tax Lots 400 and 800 is hereby imposed:

Site development shall be limited so as to generate no more than 231 PM peak hour vehicle trips as determined by the most current edition of the Institute of Transportation Engineers Trip Generation Manual. The City may allow development intensity beyond this maximum number of peak hour vehicle trips if the applicant submits to the appropriate approving agencies a transportation impact analysis demonstrating the proposed intensification of use is consistent with the Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060. The applicant shall seek, and the City shall consider such approval using the City's Type II land use application procedure.

Section ~~5~~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, 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

_____ day of _____, 2020

_____
City Recorder

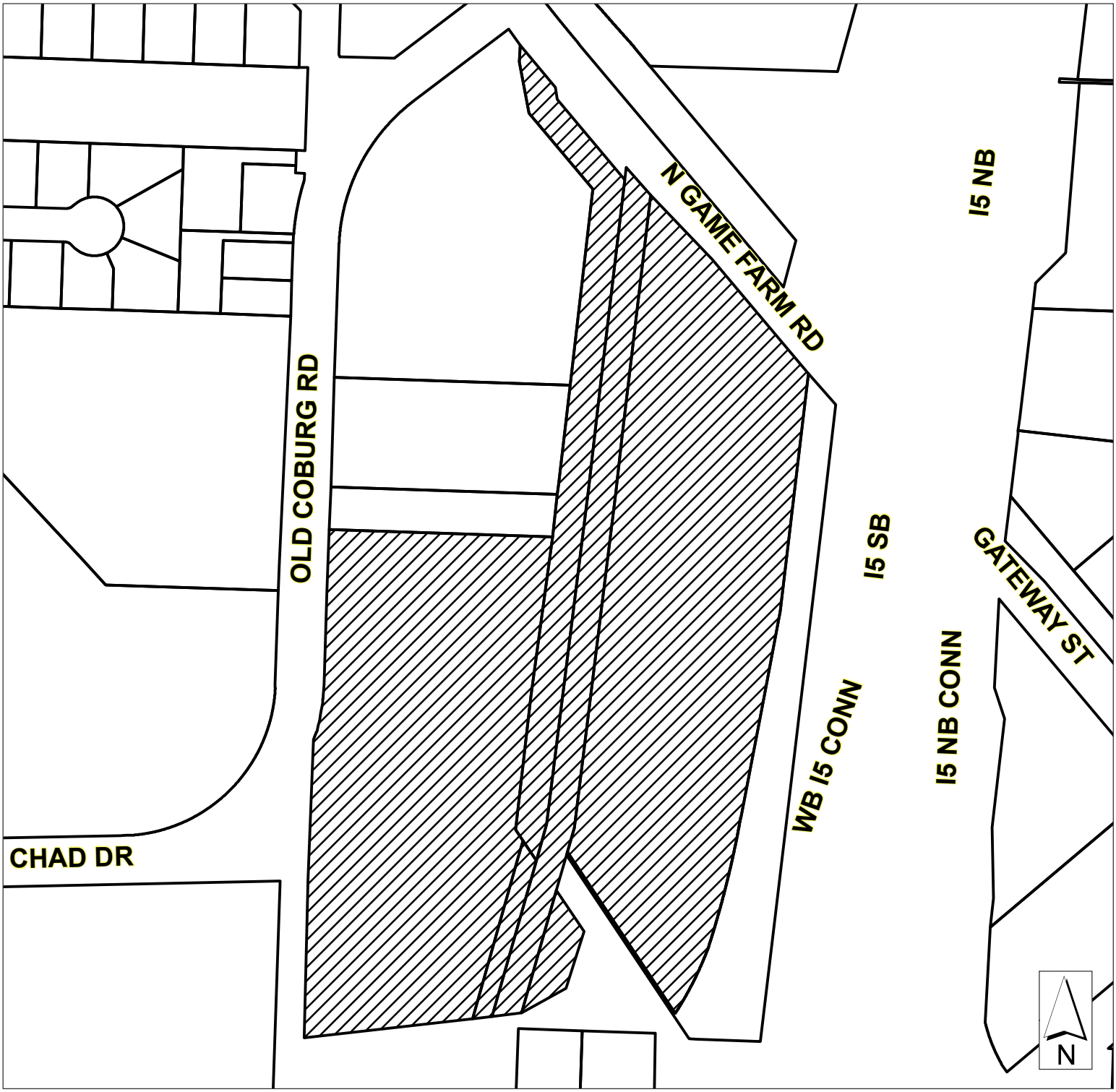
Approved by the Mayor this

_____ day of _____, 2020.

_____
Mayor

Proposed Metro Plan Designation

Sheppard Motors [Eugene Audi] - City File: MA 20-1 / RA 20-1 / Z 20-1
Metro Plan Amendment, Refinement Plan Amendment, & Zone Change

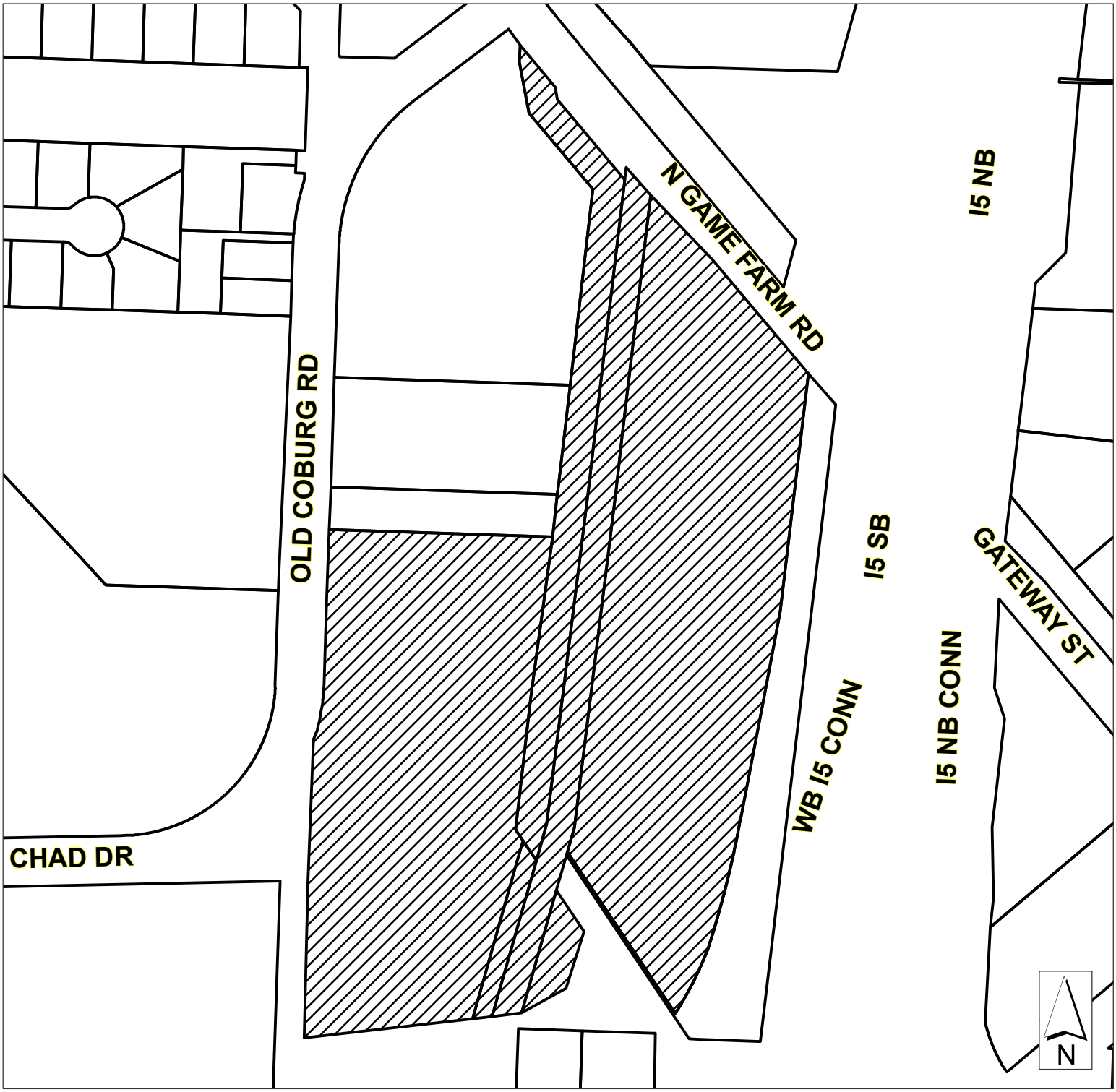


Property to be redesignated from Campus Industrial to Light Medium Industrial on the Metro Plan's Plan Diagram

Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400; and
Assessor's Map 17-03-16-44, Tax Lots 400 and 800

Proposed Refinement Plan Designation

Sheppard Motors [Eugene Audi] - City File: MA 20-1 / RA 20-1 / Z 20-1
Metro Plan Amendment, Refinement Plan Amendment, & Zone Change

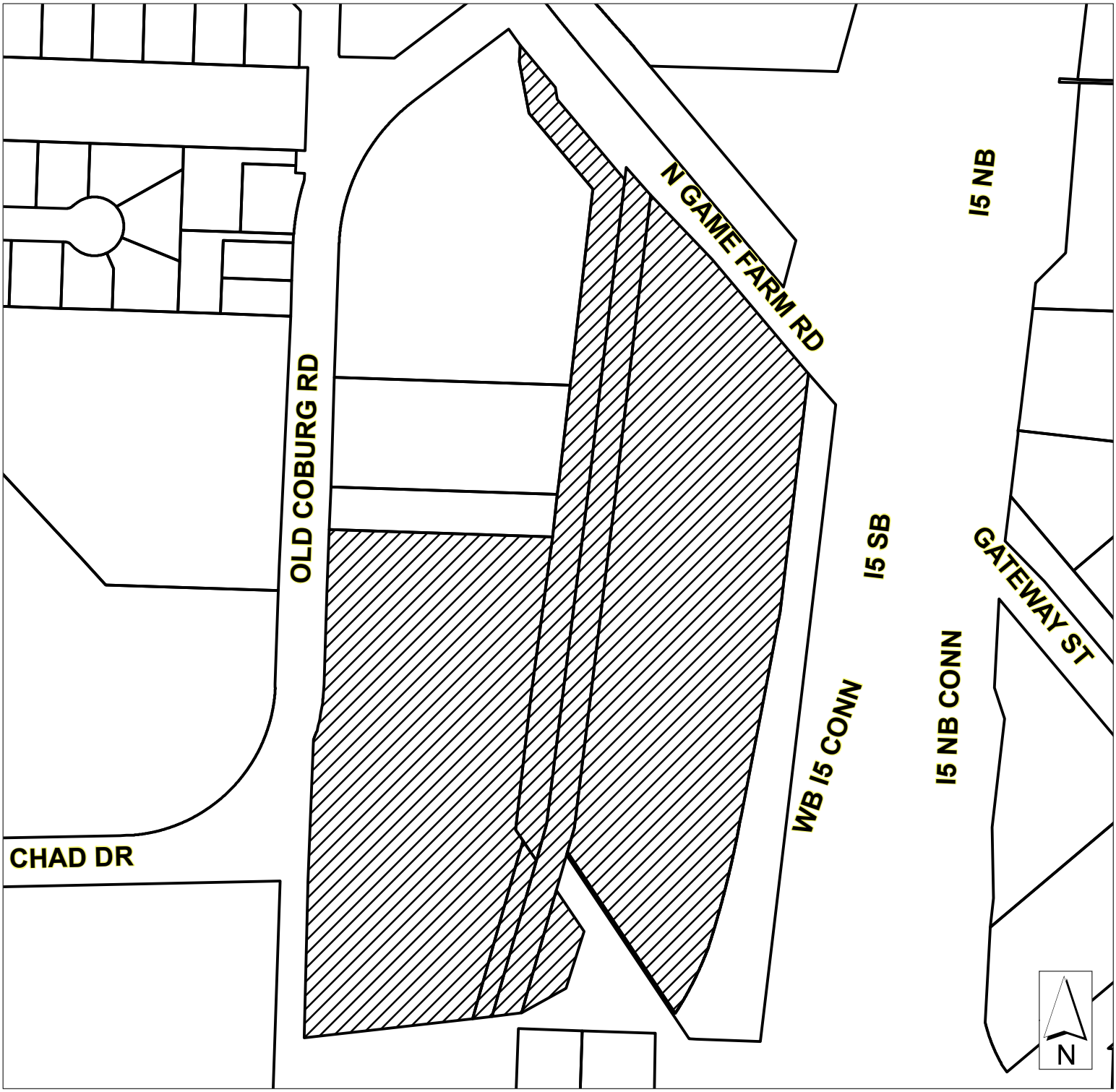


Property to be redesignated from Campus Industrial to Light-Medium Industrial on the Willakenzie Area Plan's Land Use Diagram

Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400; and
Assessor's Map 17-03-16-44, Tax Lots 400 and 800

Proposed Refinement Plan Designation

Sheppard Motors [Eugene Audi] - City File: MA 20-1 / RA 20-1 / Z 20-1
Metro Plan Amendment, Refinement Plan Amendment, & Zone Change

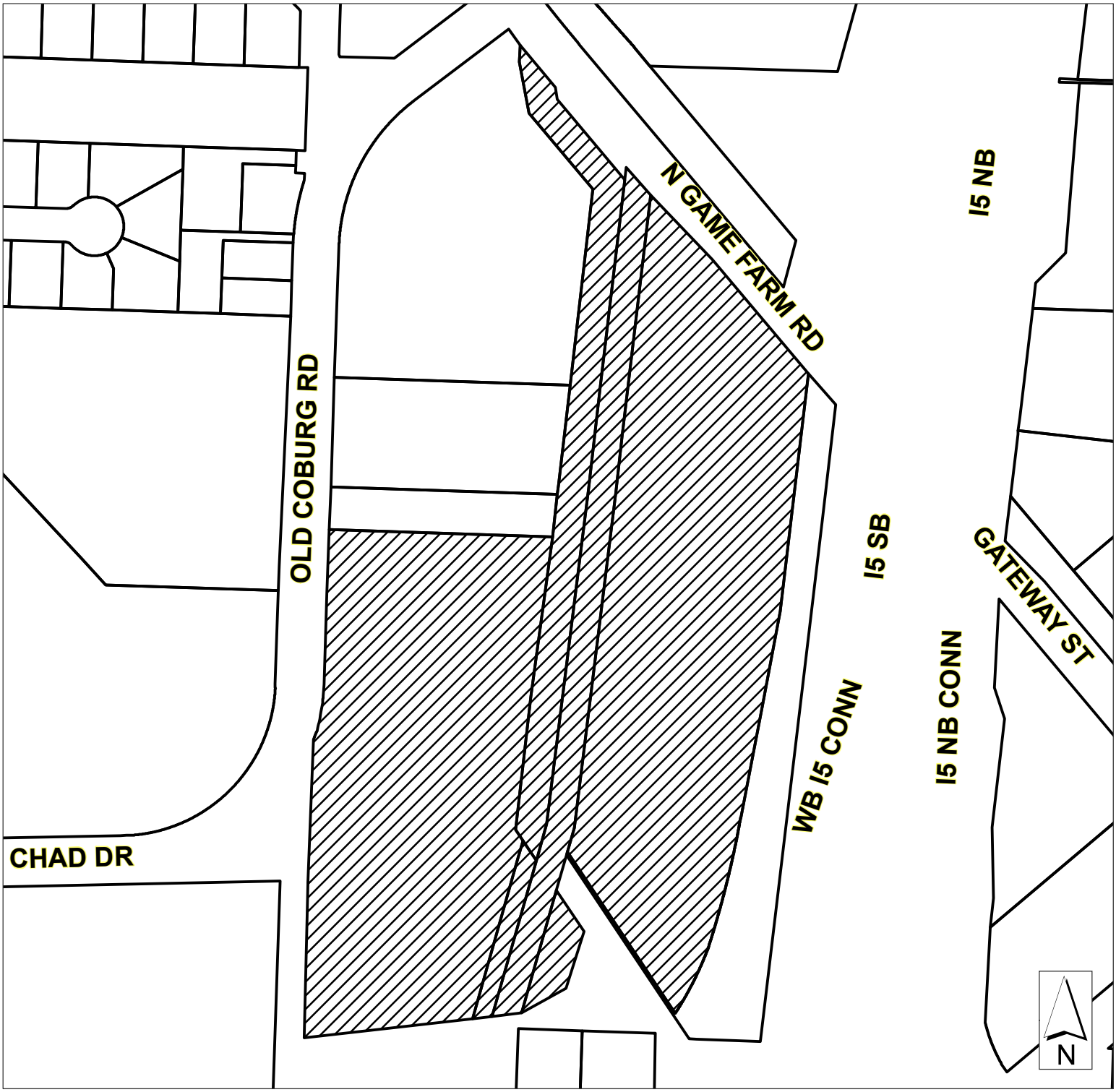


Property to be redesignated from Campus Industrial to Light-Medium Industrial on the Willakenzie Area Plan's Land Use Diagram (Northeast Portion)

Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400; and
Assessor's Map 17-03-16-44, Tax Lots 400 and 800

Proposed Refinement Plan Designation

Sheppard Motors [Eugene Audi] - City File: MA 20-1 / RA 20-1 / Z 20-1
Metro Plan Amendment, Refinement Plan Amendment, & Zone Change

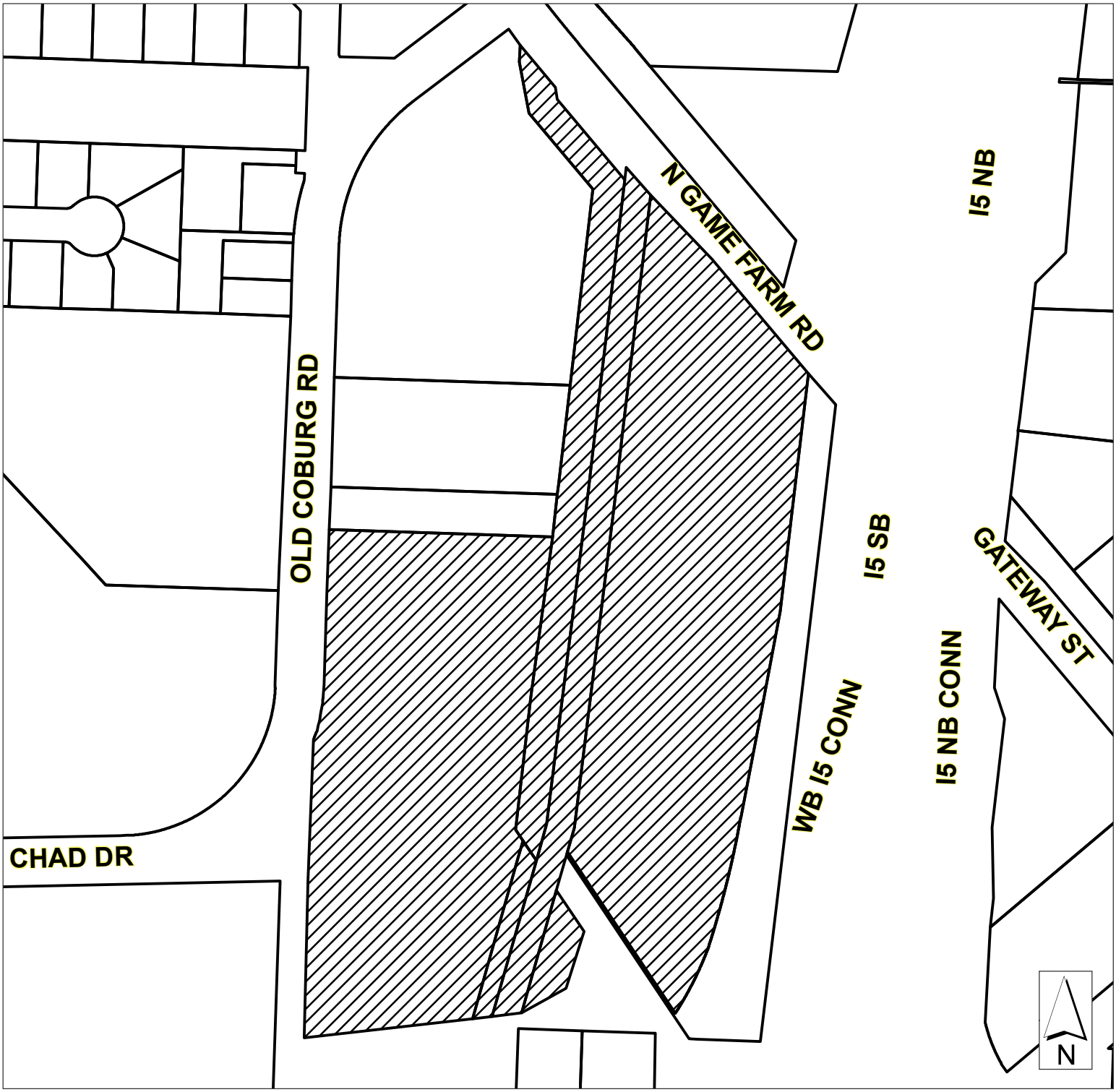


Property to be redesignated from Campus Industrial to Light-Medium Industrial on the Willakenzie Area Plan's Coburg-Crescent Subarea Diagram

Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400; and
Assessor's Map 17-03-16-44, Tax Lots 400 and 800

Proposed Zone Change

Sheppard Motors [Eugene Audi] - City File: MA 20-1 / RA 20-1 / Z 20-1
Metro Plan Amendment, Refinement Plan Amendment, & Zone Change



Property to be rezoned from E-1 Campus Employment to E-2 Mixed Use Employment

Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400; and
Assessor's Map 17-03-16-44, Tax Lots 400 and 800

FINDINGS IN SUPPORT OF AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM AND THE WILLAKENZIE AREA PLAN DIAGRAM TO REDESIGNATE THE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-16-41, TAX LOTS 201, 300 AND 400 AND ASSESSOR'S MAP 17-03-16-44, TAX LOTS 400 AND 800 FROM CAMPUS INDUSTRIAL TO LIGHT MEDIUM INDUSTRIAL AND REZONE THE PROPERTY FROM E-1 CAMPUS EMPLOYMENT TO E-2 MIXED USE EMPLOYMENT

APPLICATION OVERVIEW

Name (File Numbers): Sheppard Motors - Eugene Audi (MA 20-1 / RA 20-1 / Z 20-1)

Map No. / Tax Lots: 17-03-16-41 / 201, 300, & 400 & 17-03-16-44 / 400, 800

The applicant is seeking an amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) land use diagram, a refinement plan amendment to the Willakenzie Area Plan land use diagrams for consistency with the Metro Plan, and a concurrent zone change. The requested changes are outlined in Table 1, below.

The applicant has applied for these changes in order to develop an automobile sales and service center with accessory electric vehicle (EV) charging stations. The subject property is currently zoned E-1 Campus Employment, which does not permit Motor Vehicle Sales/Rental/Service; whereas, in the requested zone, E-2 Mixed Use Employment, this use is permitted outright. The requested changes would allow for this applicant's intended use.

Sheppard Motors [Eugene Audi] Metro Plan/Refinement Plan Amendment & Zone Change			
Application (file no.)	**Current**	**Proposed**	**Acres**
Metro Plan Amendment (MA 20-1)	Campus Industrial	Light Medium Industrial	16.72
Refinement Plan Amendment (RA 20-1)	Campus Industrial	Light Medium Industrial	16.72
Zone Change (Z 20-1)	E-1 Campus Employment	E-2 Mixed Use Employment	16.72

Table 1: Current/Proposed Plan Designations and Zoning

The subject property is located between I-5 and Old Coburg Road, on the south side of North Game Farm Road. It consists of five separate, undeveloped tax lots with 5 different owners, all of whom have submitted their permission to proceed with this application. The total area of the subject property is approximately 16.72 acres.

FINDINGS

Based on substantial evidence in the record, the Eugene City Council finds as follows:

This request for a Metro Plan Amendment (Type I) is subject to the land use application procedures in the Eugene Code (EC) 9.7700-9.7735. The proposed Metro Plan Amendment also triggers the need for an amendment to the Willakenzie Area Plan (WAP), which is the applicable refinement plan for this area. The applicant has also requested a zone change. Per EC 9.8005, the requested refinement plan amendment and zone change are being processed concurrently. The following preliminary findings address details of the proposal in the context of compliance with the applicable approval criteria at EC 9.7735, EC 9.8424, and EC 9.8865. Those criteria are provided below (in **bolded text**), including findings addressing compliance with each.

The applicant's narrative specifically demonstrates how their intended use of the site for an Audi automobile dealership and electric vehicle (EV) charging stations complies with the applicable approval criteria. While it is helpful and relevant to know that the applicant intends to develop an Audi dealership and electric vehicle charging station, it is important to recognize that these findings will reflect how a change to the land use designation and zoning, and all potential uses resulting from said change, are consistent with the approval criteria. On occasion, the intended use of the site will be referenced as insight to how this specific use, as an example of what could be allowed, is supported or opposed by the applicable policies or relevant approval criteria.

METRO PLAN AMENDMENT

The applicant's requested Metro Plan Amendment proposes to change the land use designation of the subject property from Campus Industrial to Light Medium Industrial. The amendment qualifies as a Type I amendment as it only involves a change to the land use diagram and no text amendments to the plan are proposed or required. The following findings address the applicable approval criteria for the Metro Plan Amendment:

EC 9.7735 (1): The proposed amendment is consistent with the relevant Statewide Planning Goals.

> **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's provisions for citizen involvement ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The proposal does not include any changes to the City's citizen involvement program.

The City's land use code implements Statewide Planning Goal 1 through its noticing requirements, which include:

- A pre-application neighborhood/applicant meeting (12/19/2019)
- Notice to the Oregon Department of Land Conservation and Development (06/25/2020)
- Referrals and notice sent to Lane County and the City of Springfield (06/12/2020)
- Public notice for the Planning Commission public hearing to consider the applications, which includes: mailing notice to interested parties and adjacent property owners (06/26/2020); posting of the notice on-site (07/01/2020); and, publishing the notice in a local newspaper (07/08/2020).

All noticing was conducted in accordance with Eugene Code requirements. Consideration of the amendments began with a Planning Commission public hearing on July 28, 2020. Following action by the Planning Commission, the Eugene City Council held a public hearing to consider the plan amendment and zone change, which was duly noticed by September 11, 2020. Any written testimony received by the City discussing this application was made available to the Planning Commission and City Council for their consideration.

Based on these findings, the proposed Metro Plan Amendment 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 base for such decisions and actions.**

Consistent with Statewide Planning Goal 2, the requested Metro Plan Amendment is being processed according to Eugene's land use code, which specifies the procedure and criteria for consideration of the request. The requested Metro Plan amendment qualifies as a Type I amendment as defined in EC 9.7705 because the only requested change is to the Metro Plan's land use diagram, for lands located wholly within the City of Eugene. Consistent with EC 9.7715(1), the request for an amendment was initiated by a representative for the property owners. Per EC 9.7705(1), this Type I amendment requires approval by City of Eugene only. The subject property is entirely within the Eugene City limits and there is no regional impact associated with this request to amend the Metro Plan land use designation.

As the application follows the procedural requirements established by Eugene's land use code, the amendment is consistent with Statewide Planning Goal 2.

The Statewide Planning 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 its citizens. To comply with the Goal 2 coordination requirement, the City provided notice of the proposal and opportunity to comment to Lane County, Lane Council of Governments, City of Springfield, the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development.

There are no exceptions to Statewide Planning Goal 2 required for this amendment. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3: Agricultural Lands - To preserve agricultural lands.

The amendment is for property located within the urban growth boundary and does not affect any land designated for agricultural use. Based on this finding, Statewide Planning Goal 3 does not apply.

Goal 4: Forest Lands - To preserve forest lands.

The amendment is for property located within the urban growth boundary and does not affect any land designated for forest use. Based on this finding, Statewide Planning Goal 4 does not apply.

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

There are no Goal 5 resources located on the subject property. This amendment does not create or amend the City's list of Goal 5 resources, does not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, nor does it allow new uses that could be conflicting with a significant Goal 5 resource site. Therefore, Statewide Planning Goal 5 does not apply.

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

The proposed change to the Metro Plan Diagram does not impact the existing regulations that implement the air, water, and land resources quality protections. Any future development will be subject to City regulations and other state and federal requirements, ensuring that future developments will be consistent with this Goal. Based on these findings, the Metro Plan amendment is consistent with Statewide Planning Goal 6.

Goal 7: Areas Subject to Natural Hazards - To protect people and property from natural hazards.

Statewide Planning Goal 7 requires that local government planning programs include provisions to protect people and property from the following natural hazards: floods, landslides, earthquakes and related hazards, tsunamis, coastal erosion and wildfires. Goal 7 prohibits development in natural hazard areas without appropriate safeguards. The subject property is not located within known areas of natural disasters or hazards. The subject property is outside the flood zone and is not subject to hazards normally associated with wildfires or tsunamis. Other hazards can be mitigated at the time of development based on applicable land use code provisions, building codes and building techniques. The amendment to the Metro Plan Diagram does not affect the City's restrictions on development in areas subject to natural disasters and hazards. Based on these findings, the amendment is consistent with Statewide Planning Goal 7.

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.

Statewide Planning 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 Metro Plan Diagram amendment does not affect the City's provisions for or access to 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.

Statewide Planning Goal 9 requires cities to evaluate the supply and demand of commercial and industrial land relative to community economic objectives. This amendment to the Metro Plan Diagram is only related to lands designated as industrial. The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the City provide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies. The Employment Lands Supply Study 2012-2032 (ELSS) is included as appendix B in the City's comprehensive plan, Envision Eugene, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. The map amendments do not add or subtract any industrial land from the adopted inventories.

The proposed change to the Metro Plan designation for the subject property does not have an impact on the City's availability of employment or industrial lands because all industrial land use land designations (Campus, Light Medium, and Heavy) are grouped together for the purposes of the City's ELSS. Therefore, properties within the broad category of industrial can be re-designated to another type of industrial without changing the amount of industrial land in the City's inventory. In this case, a re-designation from Campus Industrial to Light Medium Industrial results in no net change to the City's overall supply of industrially designated land.

OAR 660-009-010(4) has specific requirements for changes in plan designation that involve land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation. While the subject property is in excess of 2 acres, the proposed change is from one industrial designation (Campus) to another industrial designation (Light Medium). Therefore, this administrative rule requirement does not apply.

Given these facts, the requested Metro Plan Amendment will not adversely impact the City's ability to provide opportunities for a variety of economic activities. In the application materials, the applicant addresses the economic benefits of the proposed change, especially as it relates to the applicant's intended future development. The applicant asserts that the proposed

change will "provide three types of economic benefits to the City; [*sic*] 1) a significant increase in property tax revenue which would not be collected in the absence of the rezone, since as noted above, the current zoning has failed to attract any development, 2) direct benefits in the form of wages paid to the 30+ employees at the proposed facility, and 3) induced or indirect benefits created by the multiplier effect of employees spending wages locally."

Based on these findings, the amendment is consistent with Statewide Planning Goal 9.

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

The subject property does not include any lands designated for residential use in the City's Buildable Lands Inventory (BLI); therefore, the proposal does not include any changes that would impact the availability of residential lands for housing, nor does it impact the City's ability to provide for housing needs in the future. Based on these findings, Statewide Planning Goal 10 does not apply.

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 Metro Plan Diagram amendment does not affect the City's provision of public facilities and services. Based on this finding, Statewide Planning Goal 11 does not apply. However, as a note, all necessary public services exist or are readily available in close proximity to the subject site.

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

OAR 660-012-0060, the Transportation Planning Rule (TPR), implements Goal 12 for proposed amendments to the Metro Plan diagram, such as this application. The TPR contains the following requirement:

OAR 660-012-0060(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected

to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Goal 12 requires a determination of whether the proposed Metro Plan Amendment will significantly impact an existing or planned transportation facility.

The applicant hired a Transportation Engineer, Chris Clemow, PE, PTOE, to prepare a TPR analysis to demonstrate consistency with Statewide Planning Goal 12 requirements. The analysis calculated an assumed "worst-case development" scenario to quantify potential transportation impacts. The assumption was based on the total site area, a rate of development based on nearby developed sites zoned E-1 Campus Employment, and a high traffic impact use allowed in the E-1 zone (i.e. clinic and general office). The result of the Transportation Engineer's calculation is that development under the current designation and zoning would potentially generate 231 peak hour trips. City staff concurred with the scope of the study, and the analysis is consistent with the agreed upon scope of work.

Based on this assumed trip generation, the applicant proposed a condition to limit maximum site development to generate no more than 231 new PM peak hour vehicle trips as determined by the most current edition of the Institute of Transportation Engineers Trip Generation Manual. Based on their analysis, the following condition is warranted to ensure compliance with the Transportation Planning Rule:

<u>Trip Cap Condition of Approval</u>
Site development shall be limited so as to generate no more than 231 PM peak hour vehicle trips as determined by the most current edition of the Institute of Transportation Engineers Trip Generation Manual. The City may allow development intensity beyond this maximum number of peak hour vehicle trips if the applicant submits to the appropriate approving agencies a transportation impact analysis demonstrating the proposed intensification of use is consistent with the Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-

0060. The applicant shall seek, and the City shall consider such approval using the City's Type II land use application procedure.

This trip cap condition cap provides an enforceable, ongoing requirement limiting traffic generation to a level consistent with the current Metro Plan designation as implemented through the current E-1 Campus Employment zoning, which was used as part of the land use assumptions in the 2035 Transportation System Plan (2035 TSP). The 2035 TSP addresses the projects, programs, and policies needed to support growth in population and jobs within Eugene's urban growth boundary as well as the travel associated with regional and state economic growth between now and the year 2035. As conditioned, the Metro Plan designation change (and zone change) will not increase trip generation, thereby demonstrating compliance with the requirements of the TPR.

Based on these findings, the proposal is consistent with Statewide Planning Goal 12.

Goal 13: Energy Conservation - To conserve energy.

The proposed change to the Metro Plan's land use diagram will not amend or otherwise involve any land use regulations that implement this Goal. Therefore, Statewide Planning Goal 13 does not apply.

That said, the proposed accessory use of the property to provide electric vehicle (EV) charging stations demonstrates the applicant's intent to conserve energy in support of Goal 13. As an example, Goal 13 supports compact and high-density land uses because it reduces fossil fuel consumption. By providing EV charging stations available to public, the applicant's intended use of the subject property encourages more EV users, thereby reducing fossil fuel consumption. Further, the applicant states that Audi has committed to supporting EV as an initiative to move away from traditional energy sources, such as fossil fuels.

Goal 14: Urbanization - 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.

The Metro Plan diagram amendment does not affect the City's provisions regarding the transition of land from rural to urban uses. Based on this finding, 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 Metro Plan Diagram Amendment does not contain any changes that affect the Willamette River Greenway regulations, nor is the subject property located within the adopted Willamette Greenway boundary. Based on this finding, Statewide Planning Goal 15 does not apply.

Goals 16 – 19: Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources

There are no estuarine, beach and dune, coastal, or ocean resources related to subject property. Based on this finding, Statewide Planning Goals 16 through 19 do not apply.

Conclusion
Based on the findings above, and with the proposed trip cap condition of approval to ensure consistency with Goal 12 (TPR), the Metro Plan Amendment complies with the Statewide Planning Goals and the approval criterion at EC 9.7735(1) is met.

EC 9.7735(2): The proposed amendment does not make the Metro Plan internally inconsistent.

No policies within the Metro Plan appear to serve as mandatory approval criteria for this application, nor do any Metro Plan policies appear to be directly relevant to this site-specific Metro Plan Diagram amendment. Therefore, the proposed amendment does not present any conflict with Metro Plan policies nor make the Metro Plan internally inconsistent. Based on these findings, this criterion is met.

EC 9.7735(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 for the City of Eugene is the Envision Eugene Comprehensive Plan. The following policy from the Envision Eugene (EE) Comprehensive Plan provides relevant support for the amendment to the Metro Plan Diagram:

> *EE Policy 3.23: Flexible campus employment areas. Recognize changing market demands and accommodate land needs through flexible zoning for light industrial/campus employment areas, including Greenhill Technology Park, Willow Creek Circle and Chad Drive.*

This policy specifically recognizes the challenges presented by existing by zoning restrictions in the area of the subject property. The applicant contends that the existing E-1 zoning has not responded well to market conditions and has not provided opportunities to meet market demand. They note that the subject property has been designated Campus Industrial and zoned E-1 Campus Employment since 2013 and has remained vacant for 7 years since that time, as has most of the E-1 zoned land in the vicinity. While the policy specifically related to flexible *zoning*, the proposed Metro Plan diagram change is necessary to facilitate the zone change.

The Transportation chapter of Envision Eugene states that the Eugene 2035 Transportation System Plan (TSP) serves as the transportation element for the comprehensive plan. As noted in the findings related to Statewide Planning Goal 12, the Metro Plan Diagram amendment is consistent with the City's TSP, and therefore consistent with the transportation element of

Envision Eugene. No transportation policies appear to be directly relevant to this site-specific Metro Plan Amendment, nor do they serve as mandatory approval criteria for the amendment.

Based on these findings, the proposed Metro Plan Amendment is consistent with Envision Eugene, the City's local comprehensive plan.

REFINEMENT PLAN AMENDMENT

The proposed Metro Plan Amendment also triggers the need for an amendment to the Land Use Diagram, the Land Use Diagram (Northeast Portion), and the Coburg-Crescent Subarea Diagram in the Willakenzie Area Plan (WAP), which is the applicable refinement plan for this area. The subject property is in the Crescent-Coburg Subarea in the North Region, as identified in the WAP. The WAP's land use diagram designates the property as Campus Industrial. Per EC 9.7730(5)(b), since no text amendment is required, when the amendment to the Metro Plan Diagram is approved, the refinement plan designation changes automatically to Light Medium Industrial to remain consistent with the Metro Plan. The following findings address the applicable approval criteria for the related refinement plan amendment:

EC 9.8424(1): The refinement plan amendment is consistent with all of the following:

(a) Statewide planning goals.

The findings addressing consistency with the Statewide Planning Goals included above under Metro Plan Amendment approval criterion EC 9.7735(1), are incorporated herein by reference. Based on those findings, the amendment to the land use diagram for the Willakenzie Area Plan is consistent with the Statewide Planning Goals.

(b) Applicable provisions of the comprehensive plan.

The findings above under Metro Plan Amendment approval criteria EC 9.7735(2) and EC 9.7735(3) are incorporated herein by reference and the amendment to the land use diagram for the Willakenzie Area Plan is consistent with the provisions of the Metro Plan and Envision Eugene.

(c) Remaining portions of the refinement plan.

Only the three WAP diagrams listed above in the Willakenzie Area Plan will be amended through the procedures identified at EC 9.7730(5). No other amendments to the WAP are proposed or required. No polices listed in the WAP appear to serve as mandatory approval criteria for this land use diagram amendment nor do any refinement plan policies require further analysis beyond that provided above for the Metro Plan Amendment.

EC 9.8424(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.

An amendment to the plan designation on the Metro Plan diagram constitutes a "new or amended community policy." Per the findings pertaining to the Metro Plan diagram amendment at EC 9.7735, incorporated herein by reference, the designation change is consistent with all Statewide Planning Goals and the existing Metro Plan policies. Therefore, the refinement plan land use diagram must be amended to remain consistent with the amended Metro Plan Diagram. Based on these findings, this criterion is met.

ZONE CHANGE

The applicant's request includes a concurrent zone change from E-1 Campus Employment to E-2 Mixed Use Employment, to bring the zoning into conformance with the proposed Light Medium Industrial plan designation. The following findings address the applicable approval criteria for the zone change request:

EC 9.8865(1): The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

According to EC 9.2405, the requested E-2 zone implements the Metro Plan's Light Medium Industrial land use designation. Therefore, the zone change is consistent with a change to the Metro Plan Diagram to designate the subject property as Light Medium Industrial. There are no Metro Plan polices that serve as mandatory approval criteria for this zone change or require further analysis beyond that provided above for the requested Metro Plan Amendment.

Based on these findings, and with approval of the Metro Plan Diagram Amendment, this criterion is met.

EC 9.8865(2): The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The subject property is within the boundaries of the Willakenzie Area Plan (WAP), which is the applicable adopted refinement plan for the area of this request. The subject property is in the Crescent-Coburg Subarea in the North Region, as identified in the WAP.

The WAP identifies the subject property as being designated for Campus Industrial. However, according to the Metro Plan Amendment procedures at EC 9.7730(5)(b), where, as here, the Metro Plan diagram is amended and that Metro Plan amendment does not require a

refinement plan text amendment, the refinement plan's land use diagram is automatically amended to remain consistent with the Metro Plan. There are no text amendments to the WAP proposed or otherwise required in this instance. Therefore, the WAP's land use diagram is automatically amended to remain consistent with Metro Plan diagram. Amendment of the WAP land use diagram to designate the subject property as Light Medium Industrial is consistent with E-2 Mixed Use Employment zoning. No polices listed in the WAP appear to serve as mandatory approval criteria for this zone change or to require further analysis beyond that provided above for the requested Metro Plan Amendment and Refinement Plan Amendment.

Based on these findings, and with approval of the amendment to land use diagram for the WAP, this criterion is met.

EC 9.8865(3): The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, water service, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan, page V-3). The following summary addresses the availability of these key urban services and facilities as required under this criterion.

Wastewater: Public wastewater service is currently available for the subject property from a wastewater line located in Old Coburg Road. Wastewater standards will be reviewed at the time of future development for any extension of service to the subject property.

Stormwater: Existing stormwater conveyance lines are located in both North Game Farm Road and Old Coburg Road, as well as to the south of the site. Stormwater standards will be reviewed at the time of future development for any extension of service to the subject property.

Streets: The subject property has frontage on Old Coburg Road and North Game Farm Road, which are classified as a Major Collector and Minor Arterial streets respectively, per Figure 60 of the Eugene 2035 Transportation System Plan (2035 TSP). Compliance with applicable street standards will be addressed at the time of future development.

Solid Waste: Collection service is provided by private entities. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Water and Electric: Water and electrical services, operated by Eugene Water and Electric Board (EWEB) are available for extension to the property. Any future development will require

coordination with EWEB staff to ensure that water and electric services comply with City standards and EWEB requirements.

Public Safety: Police protection for the subject property is consistent with service provision through the City. Fire protection will be provided by the Eugene Springfield Fire Department. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield.

Transportation: The subject property is accessible to pedestrians, bicycles, and vehicles via the surrounding street network. Two public transit stops are located adjacent to the subject property. Sidewalks are present along all street frontages of the subject property.

Parks and Recreation: Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Planning and Development Services: Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property.

Communication: A variety of telecommunication providers offer communications services throughout the Eugene/Springfield area; therefore, these services are available, and this key urban service requirement is met.

Public Schools: The subject property is within Eugene School District 4J. As access to schools is evaluated on a district wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Based on these findings, this criterion is satisfied.

EC 9.8865(4): The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(b) EC 9.2430 Employment and Industrial Zone Siting Requirements.

The specific siting standards for the E-2 Mixed Use Employment zone are listed under EC 9.2430(2) and provided for ease of reference below.

EC 9.2430(2): E-2 Mixed Use Employment. This zone is limited to areas designated Light Medium Industrial in the comprehensive plan and those that meet either (a) or (b) of the following minimum siting requirements:

(a) Property has frontage on an arterial street.

(b) Contiguous to parcels currently zoned E-2 or C-2 Community Commercial.

E-2 zoning is limited to areas designated Light Medium Industrial and the subject property is designated Light Medium Industrial by the Metro Plan Diagram amendment approved as part of this application package. The subject property has frontage on North Game Farm Road, which is classified as a Minor Arterial street by the Eugene 2035 Transportation System Plan. Therefore, the zone change complies with EC 9.2430(2)(a).

Based on these findings, with approval of the proposed Metro Plan Diagram amendment, the siting requirements of EC 9.2430 are satisfied, and this criterion is met.

EC 9.8865(5): In cases where the NR zone is applied …

This criterion does not apply because the proposed zone change does not include the NR zone.

OAR 660-012-0060 - Transportation Planning Rule

While not an approval criterion included in Eugene Code, zone change applications are required to demonstrate compliance with the State's Transportation Planning Rule under OAR 660-012-0060. Consistent with the findings and trip cap condition under the Statewide Planning Goal 12, incorporated herein by reference, the proposed zone change is consistent with the Transportation Planning Rule.

CONCLUSION

Based on the available information and evidence, and the preceding findings of compliance with the applicable approval criteria, the proposed Metro Plan Amendment, Refinement Plan Amendment, and Zone Change comply with the applicable approval criteria, subject to the following condition of approval:

> *Trip Cap Condition of Approval*
> *Site development shall be limited so as to generate no more than 231 PM peak hour vehicle trips as determined by the most current edition of the Institute of Transportation Engineers Trip Generation Manual. The City may allow development intensity beyond this maximum number of peak hour vehicle trips if the applicant submits to the appropriate approving agencies a transportation impact analysis demonstrating the proposed intensification of use is consistent with the Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060. The applicant shall seek, and the City shall consider such approval using the City's Type II land use application procedure.*

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Action: An Ordinance Concerning Digital Sign Code, Amending Sections 9.0500, 9.6610, 9.6615, 9.6620, 9.6630, 9.6635, 9.6640, 9.6645, 9.6650, 9.6655, 9.6660, 9.6665, 9.6670, 9.6675, and 9.6680 of the Eugene Code, 1971, and Providing an Effective Date. (City File CA 20-2)

Meeting Date: October 12, 2020 | Agenda Item Number: 6
Department: Planning & Development | Staff Contact: Mike McKerrow
www.eugene-or.gov | Contact Telephone Number: 541-682-5288

ISSUE STATEMENT

This is a work session on a city-wide land use code amendment to modify existing sign standards to allow various digital signs. On September 18, 2019, Council directed staff to initiate land use code amendments to allow digital billboards and digital reader boards within the city and to implement changes to the sign regulations identified by staff that are legally required or necessary to clarify the current regulations. On September 21, 2020, the City Council held a public hearing on the draft ordinance provided as Attachment A.

BACKGROUND

Eugene's Sign Code (which is part of the Eugene land use code, Chapter 9) was originally adopted in 1968. The last major change to the sign code occurred in the late 1980's and minor amendments were passed in 2001 and 2013. Electronic sign technology has changed significantly in that period and the sign code has not been changed to accommodate the new technology. Digital signs use an electronic display system, such as a light-emitting diode (LED) screen, to deliver multiple messages at a single location. Images are often static and held for a specified amount of time.

Eugene's current sign code prohibits flashing signs and most digital or electronic signs except for electronic message centers, which are limited in size and location. Most existing electronic message centers in Eugene are digital time and temperature displays (three square feet in area and five display characters) except for a few cases where variances were approved to allow larger digital signs.

Eugene has few examples of existing digital signs. They include signs for the Lane County Fairgrounds, the Hult Center, Matthew Knight Arena, and The Shedd which were allowed either as public signs or through approved sign variances as mentioned above.

Project Initiation
Billboard industry representatives contacted City Councilor Chris Pryor to request a modification to the sign code standards to allow for electronic (digital) billboards. Councilor Pryor polled the council and in response, a work session to discuss the proposal was held on September 18, 2019. For additional background, the agenda item summary for that Council meeting is provided as Attachment B. Please note that the original date of the work session was September 9, 2019; however, due to time constraints, the work session was bumped to the following week. After staff presented information about what would be needed to allow digital signs, the City Council initiated the current code amendment process with the following motion:

> **MOTION AND VOTE:** *Move to initiate land use code amendments to allow digital billboards and digital reader boards within the city and to implement changes to the sign regulations identified by staff that are legally required or necessary to clarify the current regulations.* (The motion passed 4:2, with Councilors Taylor and Semple voting in opposition.)

The proposed modifications to the existing sign code are primarily focused on allowing digital billboards as well as limited digital signage for drive-through signs, service stations and institutional uses. The other proposed changes in the draft code are clarifications recommended by staff. The following is a summary of the proposed changes:

- Provides new definitions for digital billboards, cutouts and digital signs and modifies existing definitions for electronic message centers and flashing signs.
- Provides an allowance for digital billboards when proposed standards are met:
  - Minimum spacing of 1,200 feet (3 blocks) between digital billboards facing the same direction
  - Minimum 10 seconds between messages with instantaneous transition
  - No video, animations, scrolling, or other similar distracting effects
  - Auto-dimming requirement to prevent glare, especially at night
- Allows one digital sign (maximum 20 square feet) for each institutional use such as schools, religious institutions and community centers.
- Allows up to six small digital sign components (totaling not more than 20 square feet) for each service station use.
- Allows up to two digital signs (maximum 7-foot high and not more than 40 square feet) for each lane for drive-through uses.

Procedural Summary
This proposed code amendment is subject to Type V application procedures (EC 9.7500 through EC 9.7560) as well as the applicable approval criteria from EC 9.8065. Type V applications provide for a legislative review of changes to the land use code. The Type V process includes public notice and hearing before the Planning commission. The Planning Commission then forwards a recommendation to the City Council for a final public hearing and action.

Planning Commission Process
Consistent with Type V procedures, notice of the Planning Commission public hearing was provided to all neighborhood organizations in Eugene, the Oregon Department of Land Conservation and Development, Lane County, City of Springfield, and community groups and individuals who have requested notice. Notice of the public hearing was published in the Register

Guard. In addition to the notices required by the land use code, current information regarding this and other land use code updates is available on the City's Land Use Code Amendments web page.

The Planning Commission held a public hearing on July 28, 2020, to consider the proposed land use code amendment. Two people testified at the public hearing and spoke in favor of the proposed amendments. Following the public hearing, the Planning Commission deliberated on August 11, 2020, and August 24, 2020. The commission recommended adoption of the proposed amendments, excepting out the changes related to allowing digital billboards. (4:2, with one commissioner abstaining). The agenda packet for the September 21, 2020, City Council Public Hearing summarized Planning Commission's deliberations in more detail.

The proposed Ordinance provided in Attachment A includes recommended language to implement Council's original direction to "*allow digital billboards and digital reader boards…"* and therefore does not reflect the recommendation from Planning Commission to remove the allowance for digital billboards. Should Council choose to proceed based on the Planning Commission's recommendation, the draft Ordinance would need to be revised to reflect that direction. Draft findings supporting the proposed amendments are attached to the ordinance.

City Council Public Hearing

On September 21, 2020, City Council held a public hearing on the proposed amendments. Seven people testified at the hearing. Five were in favor of the amendments, one in opposition, and one was representing the Planning Commission to provide additional clarification regarding the Planning Commission's deliberations and resulting recommendation – including comments related to technical difficulties with the virtual meeting forum and elucidating their concerns related to traffic safety.

Those who spoke in favor of the amendments made several points including, but not limited to, the following:

- Potential benefits to small businesses and non-profits by making ad space more affordable;
- Eugene's history as the "birthplace" of outdoor advertising;
- Eugene is currently home to a billboard fabrication company;
- Benefits of the digital advertising option – allows quick copy changes, eliminates usage of vinyl materials, and requires lower power consumption;
- Industry representatives requested:
    - a change to the proposed dwell time from 10 seconds to 8 seconds – staff supports this request, which is consistent with industry standards and State requirements
    - inclusion of three additional major arterial street segments in the proposed areas where digital billboards would be allowed – staff supports this request as the street segments referred to were unintentionally omitted from the original draft code
    - one speaker requested allowing digital signs for all commercial and industrial uses as opposed to as drafted, limiting them to institutional uses– staff did not include this requested change in the draft ordinance because our understanding of the direction from Council was that the digital readerboard direction was specifically to address public/institutional uses such as schools and recreation centers

A representative from BEST (Better Eugene-Springfield Transportation) brought up concerns related to several studies referenced in written testimony submitted September 21, 2020 (see Attachment C). They pointed out a National Highway Traffic Safety Administration (NHTSA) study that uses a two-second distraction as a threshold for doubling odds of a crash; another study showing 80% of crashes involve about a 3-second distraction; a Swedish study that found longer distractions from digital signs and led to the removal of all digital signs; and, urged consideration of the role age may play given a study that found that younger drivers pay more attention to roadside advertising.

After hearing the testimony presented at the public hearing, two councilors requested follow-up information. Councilors Clark and Zelenka asked staff to return with any available safety statistics related to the existing digital billboard located along Highway 126 in Springfield and the digital sign located at Mathew Knight Arena. In response, staff collected the following crash data information on those two locations as well as for the digital billboard facing south on I-5 in Springfield:

- Highway 126 Digital Billboard – three crashes occurred near the sign in the three years prior to installation and three crashes occurred within the three years following installation.
- Mathew Knight Arena Digital Sign – research shows an average of 2.75 crashes per year at the intersection of Franklin Boulevard and Villard Street for each of the four years prior to the installation and an average of four crashes per year for the four years after installation.
- I-5 Digital Billboard (facing south and located north of The Shoppes at Gateway) – as the only other example of a digital billboard near Eugene, staff also researched crash data at this location. Along this segment of freeway there were 19 accidents in the three years prior to installation and 14 accidents in the three years after installation.

As much of the testimony received relates to the potential impact(s) of digital billboards on driver distraction and safety, including references to multiple studies, the City's Traffic Engineer provided a follow-up memo after doing further review of the available materials. This memo is provided as Attachment D. In addition, the following attachments are also provided for reference:

- Attachment E includes a billboard inventory map that shows existing billboard locations, the locations of the top 10 billboards that the industry has identified for conversions to digital, and the street locations where digital billboards would be allowed.
- Attachment F is a map of the City's High Crash Network with an overlay of the existing billboard locations and the 10 potential digital conversions.

All testimony received prior to September 21, 2020, was included in the agenda packet for the public hearing. Testimony received from September 21 through September 29 is provided in Attachment C. Any testimony received after September 29th will be forwarded to Council in addition to being made available on the Land Use Code Amendment website here: https://www.eugene-or.gov/764/Land-Use-Code-Amendments.

Please note that the attached draft ordinance includes the requested changes that are supported by staff:

- Added the requested language "facing the same direction" to EC 9.6675(7)(a) and EC 9.6680(7)(a). Staff realized that, given this addition, it would also be beneficial to add a sentence to clarify how to determine whether two billboards are facing the same direction.
- Changed the minimum dwell time at EC 9.6675(7)(b) and EC 9.6880(7)(b) from 10 seconds to 8 seconds.
- Added the three major arterial street segments that were unintentionally omitted from the original draft to the allowable locations for digital billboards at EC 9.6675(7)(j).

Suggested language incorporating these changes is shown in track changes (bold, italicized and underlined) in Attachment A.

PREVIOUS COUNCIL DIRECTION

September 18, 2019 Work Session

Move to initiate land use code amendments to allow digital billboards and digital reader boards within the city and to implement changes to the sign regulations identified by staff that are legally required or necessary to clarify the current regulations. (*Motion Passed*)

September 21, 2020 Public Hearing

No action – public hearing only.

COUNCIL OPTIONS

1. Adopt the ordinance as attached to this AIS, allowing digital billboards and other digital signs.
2. Direct the City Manager to modify and bring back the ordinance based on Council feedback.
3. Take no further action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the ordinance as attached to this AIS, allowing digital billboards and other digital signs.

POSSIBLE MOTIONS

Move to adopt the proposed ordinance with changes as provided in Attachment A: An Ordinance Concerning Digital Sign Code, Amending Sections 9.0500, 9.6610, 9.6615, 9.6620, 9.6630, 9.6635, 9.6640, 9.6645, 9.6650, 9.6655, 9.6660, 9.6665, 9.6670, 9.6675, and 9.6680 of the Eugene Code, 1971, and Providing an Effective Date.

ATTACHMENTS

A. Draft Ordinance
   - Exhibit A - Draft Findings
B. City Council Work Session Agenda Item Summary, September 9, 2019

C. Testimony Received September 21, 2020 through September 29, 2020
D. Memo from City Traffic Engineer dated October 1, 2020
E. Billboard Inventory Map
F. High Crash Network Map

FOR MORE INFORMATION

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ORDINANCE NO. _____

AN ORDINANCE CONCERNING DIGITAL SIGN CODE, AMENDING SECTIONS 9.0500, 9.6610, 9.6615, 9.6620, 9.6630, 9.6635, 9.6640, 9.6645, 9.6650, 9.6655, 9.6660, 9.6665, 9.6670, 9.6675, AND 9.6680 OF THE EUGENE CODE, 1971, AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.0500 of the Eugene Code, 1971, is amended to add the definitions of "Cutout," "Digital Billboard," and "Digital Sign," and amend the definitions of "Electronic Message Center" and "Flashing Sign" as follows:

9.0500 **Definitions**. As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Cutout. A supplemental design element attached to or superimposed upon a billboard.

Digital Billboard. Any billboard that changes messages by any electronic process.

Digital Sign. Any sign with a sign face of 20 or fewer square feet in surface area that changes messages by any electronic process.

Electronic Message Center. ~~A sign, or portion of a sign, that conveys information through a periodic automatic change of message on a lampbank, through the use of fiber optics, or through mechanical means. A sign on which any portion less than an entire sign rotates shall be considered an electronic message center.~~ ***A sign component that utilizes a computer or other electronic means to change the digital message displayed.***

Flashing Sign. A sign or sign structure ***that is not a digital billboard, digital sign, or electronic message center,*** where some part of the display is provided by light-emitting elements which abruptly change color or intensity of illumination, including intermittent periods of illumination and non-illumination, or where the effect of flashing is achieved through mechanical means, including rotation.

Section 2. Subsection (2) of Section 9.6610 of the Eugene Code, 1971, is amended to add the "Building Directories" entry, and amend the "Message Boards" entry including renaming it to "Drive-through Signs," and amend the "Residential Signs" entry as follows:

9.6610 **Exemptions to Sign Standards.**

(2) Except as provided in subsection (3) of this section, the following signs are exempt from the requirements of EC 9.6600 through 9.6680, and are exempt from the requirement to obtain a sign permit if they are located on private

property outside of vision clearance areas:

***Building Directories*. For buildings with multiple tenants, one wall-mounted sign up to 12 square feet in area for the purpose of communicating to persons already on the development site.**

~~Message Boards~~***Drive-through Signs***. ~~One sign per business for the purpose of communicating to persons on the development site, such as a drive through menu sign or building directory. Such a sign may be up to 6 feet in height and up to 40 square feet in area.~~
Two drive-through signs for each drive-through lane. Each drive-through sign may be up to 7 feet in height and up to 40 square feet in area. Drive-through signs may be digital signs if the sign display is static and the display copy is not changed more than once per hour, except for a portion of the digital display not to exceed 2 square feet may change the display copy more frequently.

Residential Property Signs. Two signs for each development site used primarily for a single family dwelling or duplex. The signs are limited to the following types: freestanding sign or banner. A freestanding sign may not exceed 12 square feet in size per face, with a maximum of two faces; a banner may not exceed 15 square feet in size. The maximum height of a freestanding sign under this exemption is ~~6~~ ***5*** feet (from grade), and it must be separated by at least 8 feet from any other freestanding sign on the same development site.

Section 3. Subsection (5) of Section 9.6615 of the Eugene Code, 1971, is amended to provide as follows:

9.6615 Prohibited Signs. Except where qualified as a nonconforming sign, the following signs are unlawful and are declared to be nuisances:

(5) Decorative laser signs, search lights, and flashing signs~~, except electronic message centers~~;

Section 4. Subsections (3) and (5) of Section 9.6620 of the Eugene Code, 1971, are amended to provide as follows, and subsection (6) is deleted.

9.6620 Nonconforming Signs.

(3) Except ***as provided in EC 9.6675(7) and EC 9.6680(7) or*** where only a change in display copy is made, any nonconforming sign which is structurally altered or has illumination installed shall be brought into compliance with all applicable provisions of the sign standards within 90 days and shall thereafter be kept in compliance with the sign standards.

(5) The provisions ~~of subsection (6) of this section and~~ subsection (2) of EC 9.6635 Approval of Permit Application do not apply to signs in existence pursuant to a validly issued sign permit as of July 1, 1990, along Goodpasture Island Road from a point 300 feet north of the intersection with Valley River

Way to a point 1400 feet north of the intersection. The provisions of subsection (2) of this section shall apply except that restoration of a damaged sign shall be allowed where a sign is damaged to the extent of 100 percent of its value. All other provisions of this section shall apply.

~~**(6)** All signs with a surface area of 200 square feet or greater shall be removed or brought into compliance with this land use code by April 1, 2003.~~

Section 5. Subsection (1) of Section 9.6630 of the Eugene Code, 1971, is amended to provide as follows:

9.6630 Permit Application.

(1) An application and related information shall be submitted by the applicant, in a manner prescribed by the city, together with a fee established by the city manager as provided by EC 2.020 City Manager - Authority to Set Fees and Charges. ~~When a person begins construction of a sign requiring a sign permit before the permit is issued, the permit fee shall be doubled. Payment of a double permit fee shall not otherwise exempt the person from liability for other penalties prescribed for a violation of the sign standards.~~

Section 6. Subsection (8) of Section 9.6635 of the Eugene Code, 1971, is amended to provide as follows:

9.6635 Approval of Permit Application.

(8) A decision granting or denying a sign permit may be appealed to a hearings official. Appeals are processed according to ~~other~~ Type II applications beginning at EC 9.7200 General Overview of Type II Application Procedures. The decision of the hearings official is final.

Section 7. Subsections (4)(a), (4)(c), (5)(f), (6)(d), and (9) of Section 9.6640 of the Eugene Code, 1971, are amended, and subsection (10) is added to provide as follows:

9.6640 General Provisions.

(4) Location Standards.

(a) Setbacks. All signs shall comply with the setback requirements beginning at EC 9.2000 through EC 9.3980 and EC 9.6745 Setbacks - Intrusions Permitted. ~~Signs may be installed up to 5 feet into the required front yard setback except that freestanding signs up to 5 feet in height in the E-1 zone may be installed at least 5 feet from the front property line.~~

(c) Projecting Over the Public ***Right-of-***Way. Except as specified in EC 9.6670 Central Commercial Sign Standards, no privately owned sign may project over any public right-of-way.

(5) Construction Standards.

(f) Wall Signs. Wall signs ~~shall~~ ***may*** project ~~a maximum of~~ ***up to*** 12 inches ~~when the wall sign is more than 8 feet above grade and a maximum of 4~~

~~inches when the wall sign is less than 8 feet above grade~~ ***from the wall, except that wall signs shall project no more than 4 inches from the wall when the sign is less than 8 feet above a sidewalk or public way***.

(6) Illumination Standards.

(d) Illumination From Signs on Residentially Zoned Property. ~~No internally illuminated sign shall be allowed on property in a residential zone.~~ Lighting from all light sources operated for the purposes of sign illumination on property in a residential zone shall ~~be shielded from other property in the residential zone and shall~~ not be more than 2 foot candles at ~~the closest street or property line~~ ***any point along the boundary of the development site***. ***Externally illuminated signs shall be shielded.***

(9) Electronic Message Centers. Except electronic message centers operated as public signs by governmental agencies, ~~no~~ electronic message ~~center, or~~ ***centers are subject to the following limitations:***

(a) Except as provided in subsection (b) of this section, that portion of a***ny*** sign used as an electronic message center, shall be ~~larger than~~ ***limited to*** 3 square feet in area, ***may*** display ~~a message containing~~ ***no*** more than 5 characters, ~~or~~ ***and must not*** change the displayed message at intervals of less than once every 3 seconds. No electronic message center, except for temporary construction use, shall exceed a maximum one-hour equivalent A-weighted sound pressure level of 50 dBa at the receiving property line when the receiving property is occupied by a dwelling, hospital, school, library or assisted care center.

(b) Each service station may include up to 6 rectangular digital signs, constructed a minimum of 3 inches from each other, limited to 20 square feet in area cumulatively, and must not change the displayed message at intervals of less than once every 24 hours.

(10) Digital Signs. One digital sign up to 20 square feet in area is permitted per institutional use on a development site. Digital signs must be located a minimum of 50 feet from the property line of any residentially zoned property. All digital signs shall be subject to the following standards:

(a) The change from one message to another message shall be no more frequent than once every 10 seconds.

(b) The change from one message to another message shall be instantaneous.

(c) Animation, scrolling or other perceived movement is not allowed.

(d) The digital sign shall operate at an internal illumination intensity level of not more than 0.3 foot-candles over ambient light levels as measured from a distance of 45 feet perpendicular to the sign face

(e) The digital sign shall be equipped with a light sensor that automatically adjusts the intensity of the digital display according to the amount of ambient light.

Section 8. Subsections (1) and (2) of Section 9.6645 of the Eugene Code, 1971, are amended to provide as follows:

9.6645 Applicability of Sign Standards.

(1) No sign permit shall be issued for any sign unless specifically identified as an

allowed sign use under the terms of the applicable sign standards or otherwise allowed a permit under EC 9.6620 Nonconforming Signs or ***exempted from the requirement for a permit under EC*** 9.6610 Exemptions to Sign Standards.

(2) Except as otherwise specified, signs located on property zoned S Special Zone shall be subject to the provisions of:

(a) EC 9.6650 Residential Sign Standards, if the use thereon is primarily characterized as residential,

(b) EC 9.6680 Employment and Industrial Sign Standards, if employment or industrial, ~~or~~

(c) EC 9.6660 General Commercial Sign Standards~~.~~***, or***

(d) EC 9.3970(11) if the property is zoned S-WS Walnut Station Special Area Zone.

Section 9. Subsection (2) of Section 9.6650 of the Eugene Code, 1971, is amended to provide as follows:

9.6650 Residential Sign Standards. The residential sign standards are hereby created and applied to all land zoned as set forth below. Signage is limited to preserve the character of the area by allowing signs only for residential purposes and for non-residential uses allowed in the applicable zone.

(2) Permitted Sign Types. Signs allowed under residential sign standards are limited to the following types:

(a) Awning signs;

(b) Digital signs;

(~~b~~***c***) Freestanding signs;

(~~c~~***d***) Readerboards; and

(~~d~~***e***) Wall signs.

Section 10. Subsection (2) of Section 9.6655 of the Eugene Code, 1971, is amended to provide as follows:

9.6655 General Office Sign Standards. The general office sign standards are hereby created and applied to all land as set forth below. Signs are regulated to accommodate the office buildings and other public uses that are commonly located within these zones and because of the proximity of residential areas.

(2) Permitted Sign Types. Signs allowed under general office sign standards shall be limited to the following types:

(a) Awning signs;

(b) Digital signs;

(~~b~~***c***) Electronic message centers;

(~~c~~***d***) Freestanding signs;

(~~d~~***e***) Marquee signs;

(~~e~~***f***) Readerboards;

(~~f~~***g***) Under-marquee signs; and

(~~g~~***h***) Wall signs.

Section 11. Subsection (2) of Section 9.6660 of the Eugene Code, 1971, is amended to provide as follows:

9.6660 General Commercial Sign Standards. The general commercial sign standards are hereby created and applied to all land as set forth below. Sign limitations reflect the commercial nature of the area and the amount of vehicular traffic.

(2) Permitted Sign Types. Signs allowed under these standards shall be limited to the following types:

(a) Awning signs;
(b) Digital signs;
(~~b~~***c***) Electronic message centers;
(~~c~~***d***) Freestanding signs;
(~~d~~***e***) Marquee signs;
(~~e~~***f***) Readerboards;
(~~f~~***g***) Roof signs;
(~~g~~***h***) Under-marquee signs; and
(~~h~~***i***) Wall signs.

Section 12. Subsection (2) of Section 9.6665 of the Eugene Code, 1971, is amended to provide as follows:

9.6665 Shopping Center Sign Standards. The shopping center sign standards are hereby created and applied to all land as set forth below. Sign limitations in these standards accommodate the special commercial character of these areas and the residential areas which are close to most shopping centers.

(2) Permitted Sign Types. Signs allowed under the shopping center sign standards shall be limited to the following types:

(a) Awning signs;
(b) Digital signs;
(~~b~~***c***) Electronic message centers;
(~~c~~***d***) Freestanding signs;
(~~d~~***e***) Marquee signs;
(~~e~~***f***) Readerboards;
(~~f~~***g***) Roof signs;
(~~g~~***h***) Under-marquee signs; and
(~~h~~***i***) Wall signs.

Section 13. Subsections (2) and (3) of Section 9.6670 of the Eugene Code, 1971, are amended to provide as follows:

9.6670 Central Commercial Sign Standards. The central commercial sign standards are hereby created and applied to all property within the central commercial zones as set forth below. Signs are restricted in recognition of the high density usage of these areas, where pedestrian traffic is heavy and vehicular traffic is commonly limited.

(2) Permitted Sign Types. Signs allowed under the central commercial sign standards shall be limited to the following types:

(a) Awning signs;
(b) Digital signs;
(~~b~~***c***) Electronic message centers;
(~~c~~***d***) Freestanding signs;
(~~d~~***e***) Marquee signs;
(~~e~~***f***) Projecting signs;
(~~f~~***g***) Readerboards;
(~~g~~***h***) Roof signs;
(~~h~~***i***) Under-marquee signs; and
(~~i~~***j***) Wall signs.

(3) Maximum Number of Signs. The number of signs central commercial sign standards allow shall be limited to no more than 1 electronic message center, freestanding, ~~projecting sign,~~ readerboard, or roof sign per development site street frontage ***and 1 projecting sign per business occupant***. The number of allowed awning, marque, under-marque and wall signs is not limited.

Section 14. Subsections (1), (2), (6)(a) and (6)(b) of Section 9.6675 of the Eugene Code, 1971, are amended, and subsection (7) is added to provide as follows:

9.6675 Highway Commercial Sign Standards. The highway commercial sign standards are hereby created and applied to all land as set forth below. Signs in this area are regulated to accommodate the mixed uses of the areas and the presence of major streets with high traffic volumes.

(1) Corresponding Zones. The provisions of this section apply to that property within the S-RP Riverfront Park Special Zone located within 200 feet of the Franklin Boulevard center line and to property within the C-1, C-2, C-3, or any employment and industrial zone with frontage along the following named streets:

(a) Beltline Road from 11th Avenue to Roosevelt Boulevard;
(b) Broadway from Mill Street to Franklin Boulevard;
(c) Coburg Road from 6th Avenue to 200 feet north of Frontier Drive;
(d) Franklin Boulevard east from Broadway, including the north-south segment;
(e) Garfield Street from 11th Avenue to 5th Avenue;
(f) Goodpasture Island Road from Valley River Drive to 1,700 feet north;
(g) Highway 99 North;
(h) I-5 ***on the south side only*** from Henderson Avenue to 300 feet north of Laurel Hill Drive;
~~(i) I-5 on the north side only, from 720 feet east of Henderson Avenue to 1,330 feet east of Henderson Avenue;~~
(~~j~~***i***) I-105 from the Coburg interchange to Scout Access Road;
(~~k~~***j***) Mill Street from Broadway to Coburg Road;
(~~l~~***k***) Railroad Boulevard;
(~~m~~***l***) 6th Avenue east of conjunction with Highway 99 North;
(~~n~~***m***) 7th Avenue east of conjunction with Highway 99 North; and
(~~o~~***n***) 11th Avenue from 200 feet east of the centerline of Chambers Street to Terry Street.

(2) Permitted Sign Types. Signs allowed under the highway commercial sign standards shall be limited to the following types:

(a) Awning signs;
(b) Billboards;
(c) Digital Billboards;
(d) Digital Signs;
(~~c~~***e***) Electronic message centers;
(~~d~~***f***) Freestanding signs;
(~~e~~***g***) Marquee signs;
(~~f~~***h***) Projecting signs;
(~~g~~***i***) Readerboards;
(~~h~~***j***) Roof signs;
(~~i~~***k***) Under-marquee signs; and
(~~j~~***l***) Wall signs.

(6) Billboards. Billboards shall be subject to the following standards:

(a) Billboards located along the streets named in subsection (1)(b) through (1)(g) and (1)(~~k~~***j***) through 1(~~o~~***n***) of this section shall not exceed 250 square feet in surface area.

(b) Billboards located on developed property along streets named in subsection 1(a)***,*** ~~and~~ (1)(h) ~~through~~ ***and*** (1)(~~j~~***i***) of this section shall not exceed 300 square feet in surface area.

(7) Digital Billboards. In addition to the standards in EC 9.6675(6), Digital Billboards shall be subject to the following standards. Where standards conflict, the standards for Digital Billboards in this subsection (7) shall control:

(a) Minimum spacing between digital billboards facing the same direction shall be 1200 feet. For purposes of this subsection, "facing the same direction" means oriented within 60 degrees of the sign face of another digital billboard. The distance between digital billboards shall be measured along the centerline of the street designated to be a location for digital billboards.

(b) The change from one message to another message shall be no more frequent than once every 8~~10~~ seconds.

(c) The change from one message to another message shall be instantaneous.

(d) Animation is not allowed.

(e) The digital billboard shall operate at an internal illumination intensity level of not more than 0.3 foot-candles over ambient light levels as measured from a distance of 150 feet perpendicular to the sign face.

(f) The digital billboard shall be equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light.

(g) The digital billboard shall be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

(h) Cutouts are not allowed.

(i) Notwithstanding EC 9.1230, legal nonconforming billboards may be removed and replaced by digital billboards if the location, area and height of the sign do not change and if the building permit is issued within 365 days of the 1st day of demolition. However, no digital

billboard shall be larger than 300 square feet and all other standards in this section must be met.

(j) Digital billboards are allowed at the locations identified at EC 9.6675(1) except for ~~(b), (e),~~ (f)~~, (j)~~ and (k).

Section 15. Subsections (2) and (5) of Section 9.6680 of the Eugene Code, 1971, are amended, and subsection (7) is added to provide as follows:

9.6680 Employment and Industrial Sign Standards. The employment and industrial sign standards are hereby created and applied to all property zoned for employment and industrial use as set forth below. Signs are regulated to accommodate the minimal street frontage of most parcels and the general proximity to highways and arterial streets.

(2) Permitted Sign Types. Signs allowed under the industrial sign standards shall be limited to the following types:

(a) Awning signs;
(b) Billboards;
(c) Digital Billboards;
(d) Digital signs;
(~~c~~***e***) Electronic message centers;
(~~d~~***f***) Freestanding signs;
(~~e~~***g***) Marquee signs;
(~~f~~***h***) Projecting signs;
(~~g~~***i***) Readerboards;
(~~h~~***j***) Roof signs;
(~~i~~***k***) Under-marquee signs; and
(~~j~~***l***) Wall signs.

(5) Maximum Height. All billboards, freestanding signs and roof signs shall be no more than 30 feet in height except freestanding signs~~up to 5 feet in height are allowed in the E-1 zone at a minimum of 5 feet from the front property line~~.

(7) Digital Billboards. In addition to the standards in EC 9.6680(6), Digital Billboards shall be subject to the following standards. Where standards conflict, the standards for Digital Billboards in this subsection (7) shall control:

(a) Minimum spacing between digital billboards facing the same direction shall be 1200 feet. For purposes of this subsection, "facing the same direction" means oriented within 60 degrees of the sign face of another digital billboard. The distance between digital billboards shall be measured along the centerline of the street designated to be a location for digital billboards.

(b) The change from one message to another message shall be no more frequent than once every 8~~10~~ seconds.

(c) The change from one message to another message shall be instantaneous.

(d) Animation is not allowed.

(e) The digital billboard shall operate at an internal illumination intensity level of not more than 0.3 foot-candles over ambient light levels as measured from a distance of 150 feet perpendicular to the sign face.

(f) The digital billboard shall be equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light.

(g) The digital billboard shall be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

(h) Cutouts are not allowed.

(i) Notwithstanding EC 9.1230, legal nonconforming billboards may be removed and replaced by digital billboards if the location, area and height of the sign do not change and if the building permit is issued within 365 days of the 1st day of demolition. However, no digital billboard shall be larger than 300 square feet and all other standards in this section must be met.

(j) Digital billboards are only allowed at the location described in EC 9.6680(6)(a)5.

Section 16. The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 17. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 18. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a 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 19. 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

Approved by the Mayor this

____ day of _____, 2020

_____

_____

City Recorder **Mayor**

Exhibit A
Findings:
Digital Sign Code Amendments (City File # CA 20-2)

Overview

These land use code amendments modify existing sign code standards to allow and regulate digital billboards and digital reader boards. The amendments focus on how best to allow conversion of existing billboards to new digital technology with specific standards for maximum size, message change intervals, brightness, location and separation. The amendments also include digital allowances for institutional uses and gas stations and minor changes to the existing sign code to add clarity.

Findings

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a code amendment:

(1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

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 City has acknowledged provisions for community involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. This code amendment does not amend the City's citizen involvement program. The process for adopting this amendment complied with Goal 1 because it is consistent with the City's acknowledged citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on June 15, 2020. A public hearing was held by the Planning Commission on July 28, 2020. A public hearing was held by the City Council on September 21, 2020. Consistent with land use code requirements, the Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, as well as community groups and individuals who requested notice. In addition, notice of the Planning Commission public hearing was published in the Register Guard, a newspaper of general circulation in the city, on July 6, 2020. Also consistent with land use code requirements, the City Council public hearing on the proposal was duly noticed to all persons who provided oral or written testimony during the planning commission hearing procedure and those who requested notice on September 3, 2020. Information concerning the amendment, including the dates of the public hearings was posted on the City of Eugene website.

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the 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.

Eugene's land use code specifies the procedure and criteria that were used in considering this amendment. The record shows that there is an adequate factual basis for the amendment. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites 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 this amendment with affected governmental units. Specifically, the City provided notice of the proposed amendment and opportunity to comment to the Oregon Department of Land Conservation and Development, as well as to Lane County and the City of Springfield. There are no exceptions to Statewide Planning Goal 2 required for this amendment. Therefore, the amendment is consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

The amendment affects property located within the City of Eugene and 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 amendment is for property located within the City of Eugene and 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.

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

This amendment does not create or amend the City's list of Goal 5 resources, does not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, does not allow new uses that could be conflicting uses with a significant Goal 5 resource site, and does not amend the 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 of those discharges. The amendment does 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 development in natural hazard areas without appropriate safeguards. The amendment does not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendment does not allow for new development that could result in a natural hazard. 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 for Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendment does not affect the City's provisions for or access to 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.

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The amendment does not impact the supply of industrial or commercial lands. Therefore, 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 communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The amendment does not impact the supply of residential lands. Therefore, the amendment 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 amendment 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.*

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 based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The amendment does 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 amendment does not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

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

The amendment does not impact energy conservation. 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 amendment 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 amendment does not contain any changes that affect the Willamette River Greenway regulations; therefore, Statewide Planning Goal 15 does not apply.

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

There are no coastal, ocean, estuarine, or beach and dune resources related to the property affected by this amendment. Therefore, Statewide Planning Goals 16 through 19 do not apply.

(2) The amendment is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.

Metro Plan
The Metro Plan does not contain any policies relevant to this amendment.

Envision Eugene Comprehensive Plan
The Envision Eugene Comprehensive Plan does not contain any policies relevant to this amendment.

Applicable Refinement Plans
The City's adopted refinement plans do not contain policies relevant to this amendment.

(3) The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.

The amendments do not establish a special area zone. Therefore, this criterion does not apply.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY

Work Session: Digital Signs

Meeting Date: September 9, 2019
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Jenessa Dragovich
Contact Telephone Number: 541-682-8385

ISSUE STATEMENT
At this work session, City Council will be provided with an overview of Eugene sign code regulations pertaining to digital signs. This work session is in response to Councilor Pryor's request and was initiated through a poll, provided as Attachment A. This is an informational item and no council action is requested.

BACKGROUND
Eugene's sign code (which is part of the Eugene land use code) was originally adopted in 1968. Minor amendments to the sign code were passed in 2001 and 2013, however, the last major change occurred in the late 1980s. Electronic sign technology has changed significantly in that period. Digital signs use an electronic display system, such as an LED screen, to deliver multiple signs at a single location. Images are often static and held for a specified amount of time; however, the technology is capable of slide presentation effects, including frame transitions, scrolling, animation and videos. With a push to convert traditional billboards to digital, many communities are being asked to allow electronic signage.

At this work session, council will be presented with an overview of:

- Eugene's existing sign code pertaining to digital signs
- Digital sign information
- Common concerns related to digital signs
- Examples of how other communities regulate digital signage

Eugene's current sign code prohibits flashing signs, except electronic message centers (which are considered digital signs). However, because electronic message centers are limited to three square feet in area and five display characters, they are effectively prohibited with the exception of small displays that show time and temperature. A 2007 Land Use Board of Appeals decision affirmed the City's interpretation that LED displays meet the City's definition of electronic message centers and are subject to the size, character and message interval limits prescribed by the sign code. To allow digital signage in Eugene, the sign code would need to be amended to remove prohibitive language and add specific regulations to address common concerns associated with digital signage. Excerpts from the sign code are provided as Attachment B.

There are only a few existing examples of digital signs in Eugene—the Lane County Fairgrounds, the Hult Center, Matthew Knight Arena, and The Shedd. The Eugene land use code generally does not allow digital signs. The examples listed were allowed because two are public signs that are exempt from sign standards and two, Matthew Knight Arena and The Shedd's electronic message centers, received a variance to the sign code standards.

Proponents of digital signage assert several benefits from the technology, including reduced waste compared with traditional copy materials, lower energy consumption, the ability to serve the advertising needs of more businesses, and usage by law enforcement agencies to push public warnings such as Amber alerts.

Concerns over the use of digital signage are primarily focused on driver distraction and visual pollution. Several factors that contribute to these concerns include: flashing effects, moving images, or videos; frequency of image changes; size and location; and brightness/glare.

Digital sign technology has been operating in Portland, Salem, and Springfield for several years. At the work session, staff will provide some examples of how these cities and others regulate such signage.

Allowing digital signs in Eugene would require an amendment to Eugene's land use code. Such changes would require the City Council to initiate the process. The formal adoption process for an amendment to the land use code includes notice to the state and interested parties, a public hearing before the Planning Commission who provides a recommendation to City Council, a public hearing before the City Council, and action by the City Council. In some cases, notice must also be sent to affected property owners. Prior to the formal adoption process, the Building Permit Services Division would engage stakeholders in a public process to identify key issues and possible solutions, and to review draft code language.

In addition to the work session request regarding digital signs, there have been two other questions asked by councilors related to sign standards. One question was about signs that advertise off-premise businesses and whether the City can require that signs be for on-premise, or "proximate" businesses, or limited to businesses located within the city. The City cannot require that signs only advertise proximate businesses or businesses located in the city. Such a requirement would violate the Oregon Constitution because it would prohibit certain speech based on the content of that speech. *See Outdoor Media Dimensions, Inc. v. Department of Transportation*, 340 Or 275 (2006).

The second question is related to mobile advertising signs (e.g., a sign on the flat bed of a truck that is driven around town). The current sign code already prohibits any sign placed on a motor vehicle with the primary purpose of providing a sign not otherwise allowed by the sign standards. See land use code section 9.6615(2) on page 1 of Attachment B.

PREVIOUS COUNCIL DIRECTION
This is the first work session on this topic.

COUNCIL OPTIONS
Informational item. No action requested.

CITY MANAGER'S RECOMMENDATION
No recommended action.

SUGGESTED MOTION
No recommended action.

ATTACHMENTS
A. Work Session Request
B. Eugene Sign Standards Excerpts

FOR MORE INFORMATION
Staff Contact: Jenessa Dragovich
Telephone: 541-682-8685
Staff E-Mail: JDragovich@eugene-or.gov

Work Session Request Form

Councilor: Chris Pryor Date: 1-31-19

WORK SESSION TOPIC

Update the Eugene Sign Code to accommodate new digital display technologies.

ISSUES AND QUESTIONS TO BE ADDRESSED

The Eugene Sign Code has not been updated for over 15 years and the pace of electronic sign technology has changed significantly in that period. Digital billboards now offer better capability to reduce energy consumption over traditionally illuminated signs, save overhead and labor costs, and reduce "upstream" carbon impacts by eliminating the need to manufacture and ship petroleum-based vinyl fabric signs which might be replaced every month. Digital signage can also aid local agencies with emergency messages, warnings, Amber Alerts, and other public interest content. Digital sign technology has already been operating in Portland, Salem, and Springfield for years.

OUTCOMES

Review and update the Eugene Sign Code to allow for the regulated use of electronic and digital sign and billboard technology.

POLL

I want to hold a work session to discuss the issue outlined above.

Yes	No		Yes	No	
		Ward 1: Emily Semple			Ward 5: Mike Clark
		Ward 2: Betty Taylor			Ward 6: Greg Evans
		Ward 3: Alan Zelenka			Ward 7: Claire Syrett
		Ward 4: Jennifer Yeh			Ward 8: Chris Pryor

RESPONSE DUE BY: February 14, 2019

Please indicate your preference for timing of work session

☐ Prioritize over other items.

☐ Time-sensitive; schedule as soon as possible.

☒ Not time-sensitive; schedule when time permits.

COMMENTS

A few years back Churchill High School had a problem using its digital reader board because of conflicts with the sign code. While a makeshift administrative solution was found, it pointed out the need to make updates to the sign code.

Excerpts from the Eugene Land Use Code

Definitions

Billboard. Any sign with a sign face of 200 square feet or greater in surface area.

Electronic Message Center. A sign, or portion of a sign, that conveys information through a periodic automatic change of message on a lampbank, through the use of fiber optics, or through mechanical means. A sign on which any portion less than an entire sign rotates shall be considered an electronic message center.

Flashing Sign. A sign or sign structure where some part of the display is provided by light-emitting elements which abruptly change color or intensity of illumination, including intermittent periods of illumination and non-illumination, or where the effect of flashing is achieved through mechanical means, including rotation.

Sign. Any device, fixture, placard, or structure that is not entirely within an enclosed building, when its message is visible from a public or private way or another development site, and which uses any word, letter, or logo to advertise or to communicate information of any kind. For purposes of the Eugene sign regulations, searchlights, beacons, strings of lights, banners, flags, pennants, and inflated devices shall be considered signs.

Sign Standards

9.6610 Exemptions to Sign Standards.

* * *

Public Signs. 1) Signs constructed or placed in a public right-of-way by or with the approval of a governmental agency having legal control or ownership over the right-of-way; 2) Signs owned or constructed under the direction or authorization of the city, including, but not limited to, signs installed within parks and at natural resource areas within the NR Natural Resource Zone and PRO Parks, Recreation and Open Space Zone to account for entrances, trail signs, and markers; and 3) Signs placed by a public utility for the purpose of providing information concerning a pole, line, pipe or other facility belonging to the public utility.

9.6615 Prohibited Signs. Except where qualified as a nonconforming sign, the following signs are unlawful and are declared to be nuisances:

*** * ***

(2) Any sign written or placed upon or within a motor vehicle with the primary purpose of providing a sign not otherwise allowed by the sign standards.

*** * ***

(5) Decorative laser signs, search lights, and flashing signs, except electronic message centers;

9.6640 General Provisions.

*** * ***

(6) Illumination Standards.

(a) Maximum Exposed Illumination. No single light source element which exceeds 15 watts shall be used in connection with a sign or to illuminate a sign in a way which exposes the face of the bulb, light or lamp when viewed from a public street.

(b) Glare Reduction. No sign shall be illuminated or use lighting where such lighting is directed at any portion of a traveled street or will otherwise cause glare or impair the vision of the driver of a motor vehicle or otherwise interfere with the operation thereof. Exterior illumination shall be top mounted and shielded to aim light downward only.

(c) Illumination From Signs on Nonresidential Property. Illumination resulting from all signs and lighting on any property in a non-residential zone shall not exceed 2 foot candles at a height of 5 feet when measured at any point on property in a residential zone. External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zone which is adjacent to or across a street from the property in the non-residential zone.

(d) Illumination From Signs on Residentially Zoned Property. No internally illuminated sign shall be allowed on property in a residential zone. Lighting from all light sources operated for the purposes of sign illumination on property in a residential zone shall be shielded from other property in the residential zone and shall not be more than 2 foot candles at the closest street or property line.

*** * ***

(9) Electronic Message Centers. Except electronic message centers operated as public signs by governmental agencies, no electronic message center, or portion of a sign used as an electronic message center, shall be larger than 3 square feet in area, display a message containing more than 5 characters, or change the displayed message at intervals of less than once every 3 seconds. No electronic message center, except for temporary construction use, shall exceed a maximum one-hour equivalent A-weighted sound pressure level of 50 dBa at the receiving property line when the receiving property is occupied by a dwelling, hospital, school, library or assisted care center.

If you would like to see all of Eugene's Sign Standards (beginning at section 9.6600), the entire land use code is available online at: https://www.eugene-or.gov/chapter9.

From: Daniel Wilson
To: *Eugene Mayor, City Council, and City Manager
Subject: Comment Concerning Digital Signs (9/21 Public Hearing)
Date: Monday, September 21, 2020 5:30:13 PM

[EXTERNAL]

Hello-

I write concerning to the updates to codes for digital signs.

I am a Eugene resident very concerned about distracted driving. Our highest priority needs to be on keeping residents and visitors safe, especially those most vulnerable. I fear that digital signs changing their messages, even once every ten seconds, would be cause for drivers to take their attention away from the driving task. Any advertising at all along roadways is specifically intended to take away attention from the road, which in itself is not acceptable. Let's not make our streets even more dangerous.

I also have a concern about lighting the signs. The proposal makes mention of altering the illumination at night. Does that mean it will get brighter or dimmer at night? I am concerned about bright signs at night along I-5 and other roadways that could adjust driver's vision away from the range that allows them to see and react to road hazards.

I appreciate your work; thank you.

Daniel Wilson
4565 Fox Hollow Rd., Eugene
daniel.gregory.wilson@gmail.com
(650) 722-1856

DRAGOVICH Jenessa L

From: Claire Roth <claire@best-oregon.org>
Sent: Monday, September 21, 2020 6:10 PM
To: *Eugene Mayor, City Council, and City Manager; DRAGOVICH Jenessa L
Subject: Testimony submission for Eugene City Council meeting: Ordinance on Digital Sign Code
Attachments: BEST ECC Digital Signs 2020-09-21.pdf

[EXTERNAL ⚠]

Hello,

Please see BEST's written testimony PDF attached to this email, submitted for review prior to the Ordinance on Digital Sign Code item discussion during tonight's City Council meeting.

Thank you, and please let me know if you have any questions.

Sincerely,
Claire Roth

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Claire F. Roth
Pronouns: She/Her/Hers
Safe Streets Coordinator
Cell (call or text): 650-416-4802
Better Eugene-Springfield Transportation (BEST)
PO Box 773, Eugene, OR 97401
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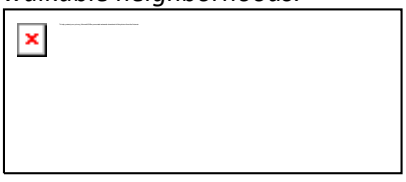
BEST is building a successful community by bringing people together to promote transportation options, safe streets, and walkable neighborhoods.



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September 21, 2020 DELIVERED VIA EMAIL

Eugene Mayor, City Council & City Manager
125 East 8th Avenue
Eugene, OR 97401

Re: Ordinance Concerning Digital Sign Code[1]

Dear Mayor, City Council & City Manager:

As an advocate for transportation safety for all members of our community, it is the aim of Better Eugene-Springfield Transportation (BEST) to stay informed on all changes to our roadways that may affect the level of safety for those traveling on our streets.

Recently, BEST became aware of the City of Eugene's work towards citywide land use code amendment to modify existing sign standards to allow various digital signs. In doing our due diligence to examine the effects of possible changes made in close proximity to our roadways, BEST staff has done some research on digital signs to help educate ourselves and the City of Eugene in any action moving forward. BEST staff has condensed points of interest in the bullet points below, in addition to providing sources following each point.

- According to the National Highway Traffic Safety Administration (NHTSA), the amount of time considered to be a distraction from driving (inattention to the roadway and surroundings) is only 2 seconds. Furthermore, the organization stated that the odds of a crash double if the driver's eyes are distracted for more than 2 seconds. "In 2016, more than 9 percent of United States traffic deaths—or 3,450—were linked to distracted driving."[2]
- A 2006 study conducted by Virginia Tech for the National Highway Traffic Safety Administration found that 80 percent of all crashes involve drivers taking their eyes away from the roadway for just about 3 seconds prior to the crash. Brighter, more visible signage, such as that found with digital signs, could have the propensity to distract drivers from the roadway, especially during evening hours where they may appear brighter.[3]
- A 2012 study conducted by researchers at the Swedish National Road and Transport Research Institute found that drivers looked at digital signs significantly longer than at non-digital signs while driving down a roadway. The time taken to look at digital signs was approximately the same amount of distracted seconds 80 percent of crashes occur at. As a result of this study's findings, the Swedish government removed all digital signs.[4]

- Emerging technologies within the digital sign conversation speak to what could be referred to targeted driver distraction. Though not in every case with digital signs, some have the propensity to display ads during specific times of traffic flow; i.e., a digital sign displaying food images close to dinner time when traffic is heavy and flashing quicker images when there is lighter traffic. Even if they do not start out as advanced as in other locations, the possibility (and promise) of evolving technologies should be considered in moving forward with the conversation on implementation of digital signs.[5]
- The impact of digital advertising on different age groups of drivers should also be taken into consideration. A study conducted in 2019 found that younger drivers pay more attention to roadside advertising. This becomes more significant when coupled with the following 2017 statistic from the CDC, "The risk of motor vehicle crashes is higher among teens aged 16–19 than among any other age group. In fact, per mile driven, teen drivers in this age group are nearly three times more likely than drivers aged 20 and older to be in a fatal crash."[6, 7]

Thank you for your time, and please don't hesitate to reach out if any questions or comments should arise.

For BEST,

Claire Roth

Claire Roth
Safe Streets Coordinator
(650) 416-4802
claire@best-oregon.org

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[1] An Ordinance Concerning Digital Sign Code, Amending Sections 9.0500, 9.6610, 9.6615, 9.6620, 9.6630, 9.6635, 9.6640, 9.6645, 9.6650, 9.6655, 9.6660, 9.6665, 9.6670, 9.6675, and 9.6680 of the Eugene Code, 1971, and Providing an Effective Date.

[2] "2-Second Rule for Distracted Driving Can Mean Life or Death," *New York Times*, 9/27/2018, https://www.nytimes.com/2018/09/27/business/distracted-driving-auto-industry.html.

[3] "Swedish Study Shows Digital Billboards Distract Drivers," Scenic America, https://www.scenic.org/sign-control/digital-billboards/swedish-digital-billboard-study/.

[4] Ibid.

[5] Oscar Oviedo-Trespalacios, Verity Truelove, Barry Watson, Jane A. Hinton, "The impact of road advertising signs on driver behaviour and implications for road safety: A critical systematic review," *Transportation Research Part A: Policy and Practice*, 122 (2019): 85–98, https://doi.org/10.1016/j.tra.2019.01.012.

[6] Ibid.

[7] "Teen Drivers: Get the Facts," Centers for Disease Control and Prevention, https://www.cdc.gov/motorvehiclesafety/teen_drivers/teendrivers_factsheet.html.

Eugene Public Works
Maintenance

October 1, 2020

To: Mayor & Eugene City Council
From: Chris Henry, Traffic Engineer AIC

RE: Digital Billboards

This memo is a follow-up after listening to public hearing testimony and further review of available materials (both research and City policies) related to the consideration of digital billboards in Eugene.

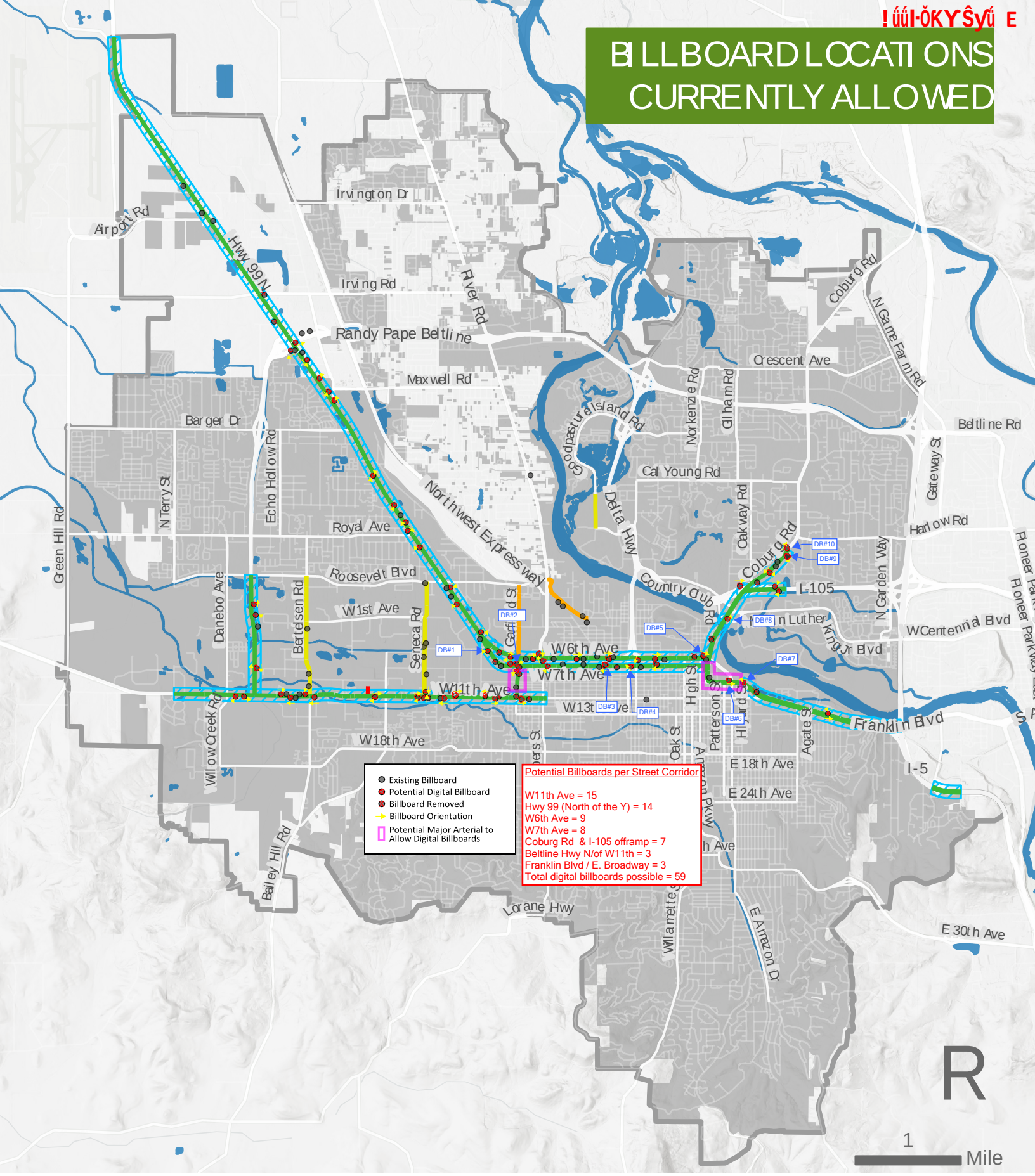
Digital billboards are intended to attract the attention of drivers. This ability to draw drivers' attention is what makes them attractive for commercial interests. As noted in the testimony, there is also a (practice/desire/requirement) for electronic billboard companies to provide public information notices along with the commercial messages. Typically located on busy corridors, this is also where most of the crashes occur in Eugene. Some of those crashes are likely attributed to a lack of attention to the task of driving.

As noted in the earlier memo from Transportation Planning staff, research about digital billboards and their relationship to transportation safety is mixed with conflicting results. Measuring attention (or distraction) while driving or after a crash is challenging; and it is difficult to distinguish between correlation and causality. Crashes may occur, but it is less clear why. In a world of distraction, staff are concerned about these unknown relationships and potential effects on driver behavior. These concerns stem from guidance in Eugene's Vision Zero Action Plan that aim to eliminate fatal or serious injury crashes in Eugene.

While a previous memo suggested a digital billboard pilot study, such an effort is fraught with challenges to provide meaningful data that could inform decision-making. Instead, staff will continue to follow strategies in Eugene's Vision Zero Action Plan to: reduce potential for conflict between users; slow vehicle speeds; reduce driving, bicycling, and walking under the influence; encourage safer practices among people driving, walking and bicycling; improve data collection and analysis; and, support an institutional commitment to Vision Zero.

In considering a process to allow digital billboards in Eugene, staff have a responsibility to make professional recommendations to inform your decision-making. While staff have concerns about the unknown effects of digital billboards on transportation safety, there are no clear conclusions.

BILLBOARD LOCATIONS CURRENTLY ALLOWED



Eugene UGB

Eugene City Limits

Existing billboard locations

Proposed corridors to allow digital billboards (only within City Limits)

Billboard locations currently allowed

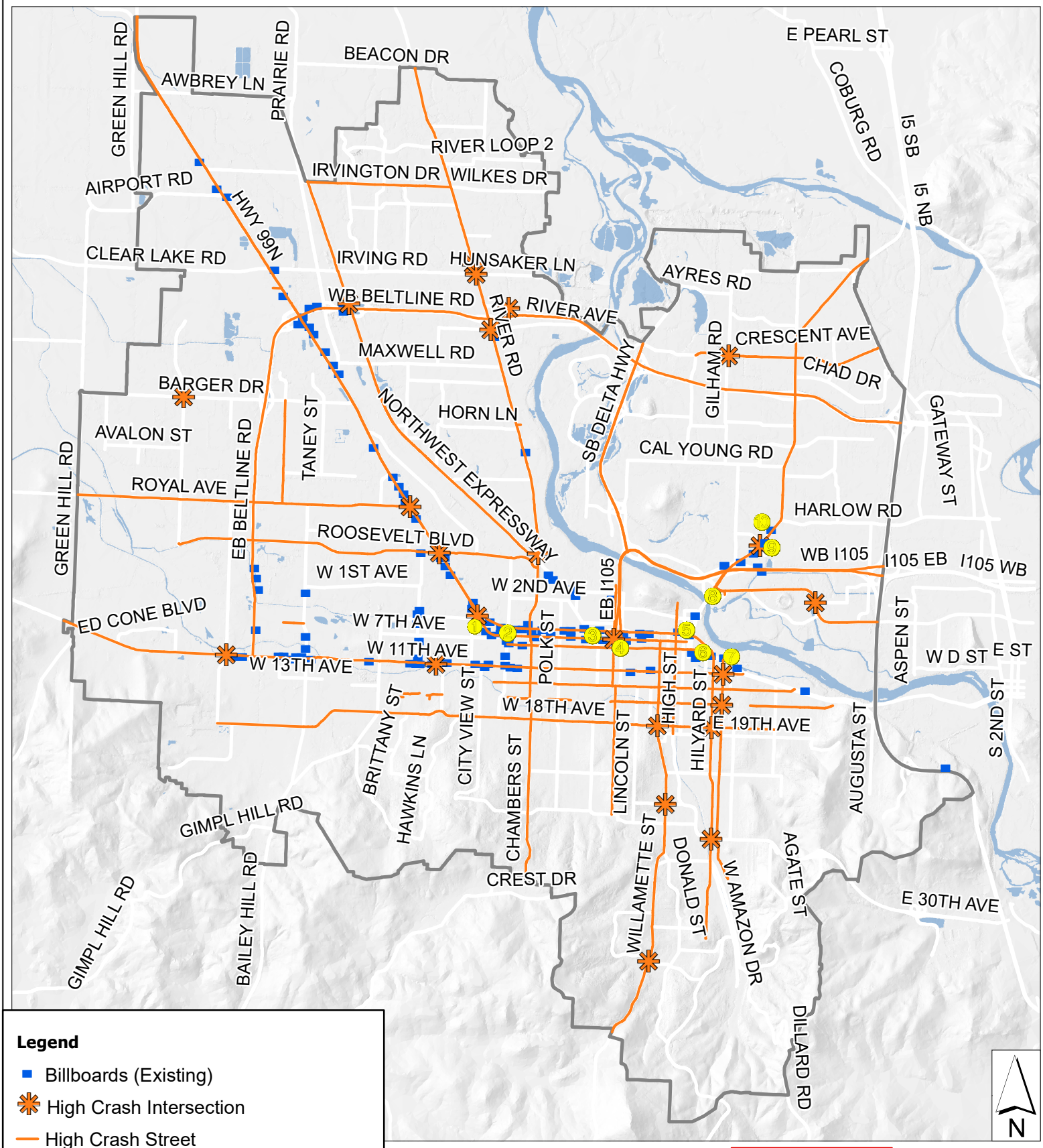
- Major Arterials
- Minor Arterials
- Collectors
- Local

This map is intended for illustrative purposes, and is not suitable for legal, surveying or engineering purposes.

Map created July 2020 by City of Eugene Planning and Develop

Eugene High Crash Streets & Intersections Map with Existing Billboard Location Overlay

Attachment F



Legend

- Billboards (Existing)
- High Crash Intersection
- High Crash Street
- EUG
- Eugene UGB
- Top 10 Industry Preferred Locations

September 2020

Caution:
This map is based on imprecise source data, subject to change, and for general reference only.

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Eugene