Eugene City Council
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Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

May 15, 2017

7:30 p.m. **CITY COUNCIL MEETING**
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

Meeting of May 15, 2017;
Her Honor Mayor Lucy Vinis Presiding

Councilors

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

7:30 p.m. **MEETING OF THE EUGENE CITY COUNCIL**

Harris Hall, 125 East 8th Avenue

Mayor: *I call the May 15, 2017, City Council meeting to order.*

1. **PUBLIC HEARING**
   An Ordinance Concerning Utility Service To Support Economic Development In The Industrial Corridor Community Organization And Amending Section 9.8117 Of The Eugene Code, 1971

   Manager: *Introduces topic, presents background information.*

   Mayor opens the public hearing: *Those wishing to speak during the Public Hearing must submit a completed "Request to Speak" form to the information desk, prior to the beginning of the Public Hearing. When you come to the podium, please give your name, city of residence, and, for Eugene residents, your ward if known; you will have three minutes to comment. There are lights on the timer; the red light indicates the end of three minutes.*

   Mayor: *Closes the public hearing.*

2. **PUBLIC HEARING**
   An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan Policy H.2 to Clarify Eugene May Adopt Aspirational Park Plans

   Manager: *Introduces topic, presents background information.*

   Mayor opens the public hearing: *Those wishing to speak during the Public Hearing must submit a completed "Request to Speak" form to the information desk, prior to the beginning of the Public Hearing. When you come to the podium, please give your name, city of residence, and, for Eugene residents, your ward if known; you will have three minutes to comment. There are lights on the timer; the red light indicates the end of three minutes.*

   Mayor: *Closes the public hearing.*

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

Public Hearing: An Ordinance Concerning Utility Service To Support Economic Development In The Industrial Corridor Community Organization And Amending Section 9.8117 Of The Eugene Code, 1971

Meeting Date: May 15, 2017 Agenda Item: 1
Department: Planning and Development Department Staff Contact: Denny Braud
www.eugene-or.gov Contact Telephone Number: 541-682-5536

ISSUE STATEMENT
City Council will hold a public hearing to consider a land use code amendment intended to help facilitate economic development opportunities within an area known as the "Industrial Corridor" in northwest Eugene (see vicinity map included as Attachment A). To allow industrial development to proceed efficiently in the area where annexation is not currently possible, the proposed land use code amendment would require binding annexation agreements, along with enabling extension of sanitary sewer and water service outside the City limits where necessary.

BACKGROUND
The subject area is represented by the Industrial Corridor Community Organization ("ICCO"), which is a non-profit, formally recognized community organization. The ICCO boundary is generally the large triangle of land lying between the Northwest Expressway on the east and the Urban Growth Boundary (UGB) to the west and north.

Much of the subject area is currently outside the City limits but within the UGB. The lack of certain urban services like sanitary sewer, and the lack of contiguity with City limits, has hindered the ability for a number of properties to annex and pursue development plans in the near term. This is a barrier to our community's high-priority goal of supporting jobs and economic development on lands already planned for industrial development. If left unaddressed, development proposals and job creation will continue to be constrained in this area. The proposed land use code amendment is designed to address the issue while making sure City services are adequately and fairly funded. Consistent with the goals and objectives of Envision Eugene, the Regional Economic Prosperity Plan, and the Metro Plan, encouraging development and redevelopment within the ICCO area has the potential to create highly-desirable manufacturing jobs within local key industries.

Property outside the City but inside the UGB (as is the majority of the ICCO area) was previously able to annex even if the property was not contiguous to City limits, provided that the Lane County Boundary Commission approved the request. However, with the abolishment of the Boundary Commission by the Legislature in 2008, annexations must now be contiguous to City limits. In

addition to making it difficult to develop unless property first annexed, these changes also have the effect of precluding non-contiguous annexations, which in turn prevents the annexation of individual properties in the majority of the ICCO area. These changes occurred prior to the beginning of the recent recession. With development activity picking up again over the last several years, the policy question about whether to allow annexation agreements, rather than immediate annexation, warrants consideration by Council.

In several cases, property owners have been unable to proceed with development plans due to lack of contiguity with City limits or the availability of urban services (which means they cannot annex). The alternative of allowing annexation agreements, along with enabling extension of sanitary sewer service outside the City limits, would be an efficient way to allow industrial development to proceed in the area with binding agreements to annex in the future when possible.

This policy question was posed to the Council in November of 2016, with unanimous approval to bring the proposal forward for consideration. Since that time, staff has developed the proposed ordinance and findings addressing all applicable approval criteria (see Attachment B). The Planning Commission also held an initial public hearing and voted unanimously on April 11, 2017 to recommend that Council approve the proposed land use code amendment. The only public testimony received was a letter of support from the Eugene Area Chamber of Commerce, which is included as Attachment C for ease of reference.

RELATED CITY POLICIES

Encouraging development and redevelopment within the ICCO area supports a variety of adopted planning and policy goals and objectives. Examples include:

Envision Eugene Pillars

- *Provide ample economic opportunities for all community members*

  1(a). Plan for an employment growth rate of 1.4 percent. This growth rate translates into an increase of 35,800 jobs over 20 years.

  1(c). Work with property owners of current vacant or developed industrial lands, especially those larger than 25 acres, to reduce the financial and regulatory obstacles to development, with a goal of making these sites ready for development.

Regional Prosperity Economic Development Plan

- *By 2020, create 20,000 net new jobs in the chosen economic opportunity areas; reduce the local unemployment rate to, or below the state average; and increase the average wage to or above the state average.*

- *Strengthen Key Industries*
  - Identify strategies to address unique and logistical needs of existing and emerging industries
  - Develop associations or networks among targeted cluster businesses for innovative networking, information-sharing and provide opportunities for business growth
  - Pursue opportunities to expand and recruit businesses, ideas, and entrepreneurs into our region

- Enhance our existing business and community

The attached findings (see Exhibit B to Attachment B) also address consistency with applicable Metro Plan policies and relevant Statewide Planning Goals, as is required for approval of the proposed land use code amendment.

COUNCIL OPTIONS
This item is for public hearing only; no action is required at this time.

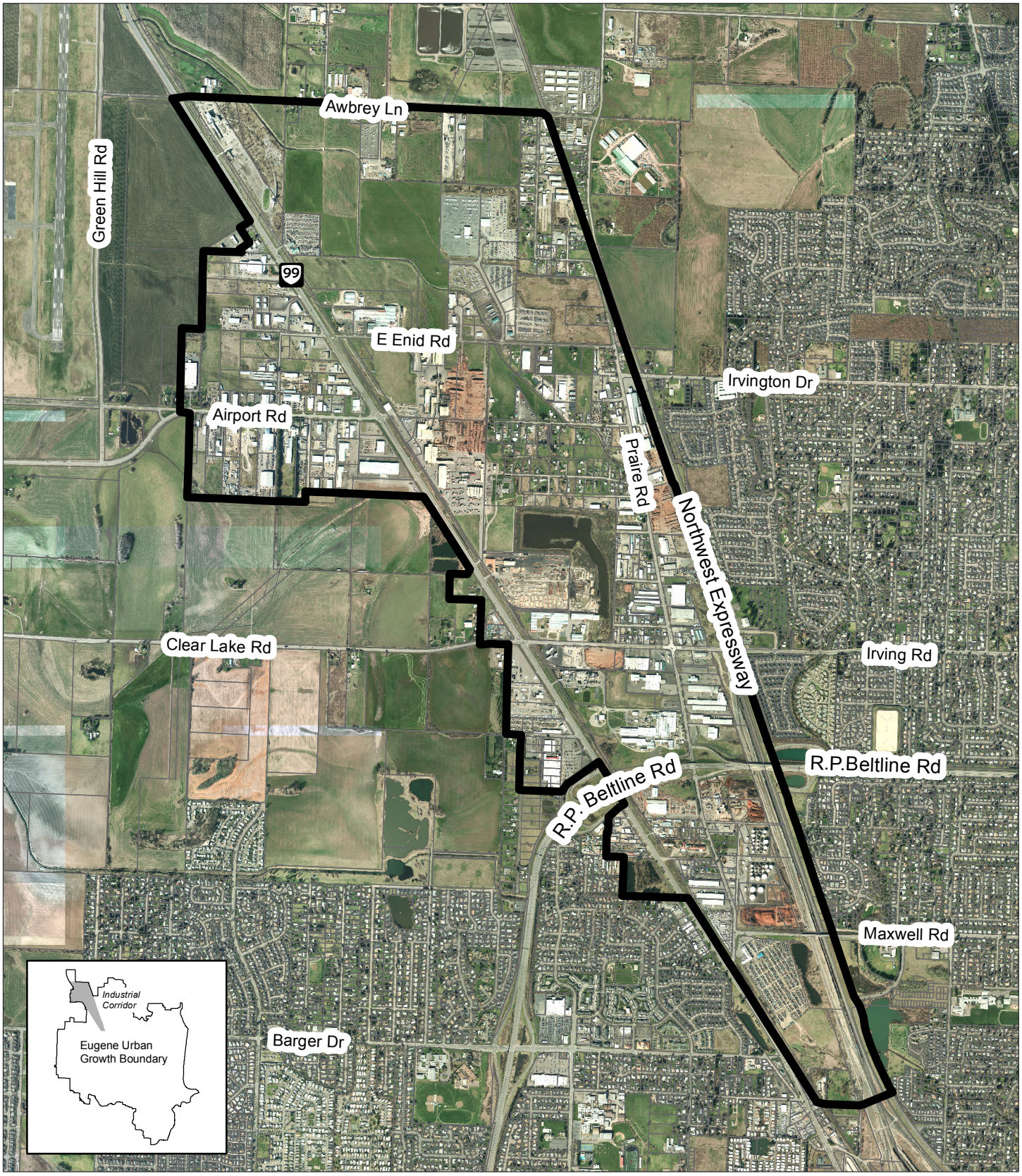
CITY MANAGER'S RECOMMENDATION
No action is required at this time. The City Manager will provide a recommendation for action which is tentatively scheduled on June 12, 2017.

ATTACHMENTS
A. Vicinity Map
B. Draft Ordinance
   --Exhibit A: Industrial Corridor Boundary Map
   --Exhibit B: Findings
C. Letter of Support from Eugene Chamber of Commerce

FOR MORE INFORMATION
Staff Contact: Denny Braud
Telephone: 541-682-5536
Staff E-Mail: Denny.Braud@ci.eugene.or.us

Vicinity Map

Attachment A



Industrial Corridor Boundary

Taxlots

0 0.25 0.5 Miles

N

April 2017

ORDINANCE NO. _____

AN ORDINANCE CONCERNING UTILITY SERVICE TO SUPPORT ECONOMIC DEVELOPMENT IN THE INDUSTRIAL CORRIDOR COMMUNITY ORGANIZATION AND AMENDING SECTION 9.8117 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.8117 of the Eugene Code, 1971, is amended to provide as follows:

9.8117 Extra-Territorial Extension of Water or Sewer Service – Applicability.

(1) The provisions of EC 9.8115 through 9.8121 apply to applications requesting the extension of water service or sewer service from inside the city limits to serve property located outside of the city limits***, except as provided in subsection (2) below.***

(2) Approval for extra-territorial extension of water or sewer service to property located within the boundary of the Industrial Corridor Community Organization as shown on Map 9.8117 Industrial Corridor, is automatic upon approval of a building or development permit so long as the property owner executes an irrevocable consent to annexation form approved by the city attorney, authorizing the city council to annex the property whenever the annexation is authorized by state law. This subsection (2) shall not apply to property that is eligible for annexation.

Section 2. Map 9.8117 Industrial Corridor, depicting the Industrial Corridor Community Organization boundary is adopted as shown on Exhibit A to this Ordinance.

Section 3. The findings set forth in Exhibit B to this Ordinance are adopted as findings in support of this Ordinance.

Section 4. 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 5. 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 _____, 2017

_____

City Recorder

Approved by the Mayor this

____ day of _____, 2017

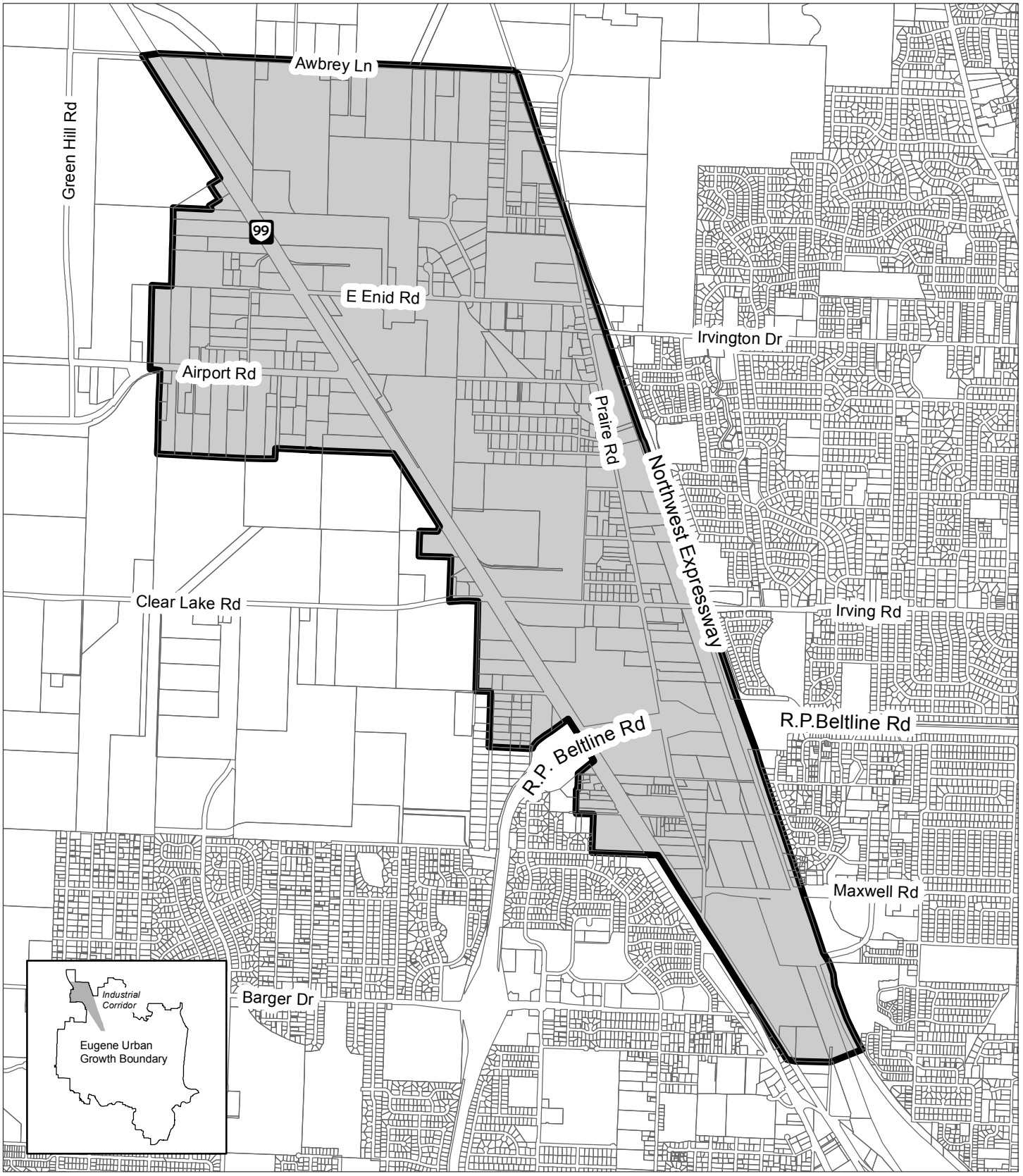
_____

Mayor

Figure 9.8117

Industrial Corridor

Exhibit A



April 2017

Exhibit B

Legislative Findings:
Economic Development in the Industrial Corridor
(City File CA 17-2)

Overview

The goal of this City-initiated land use code amendment is to help facilitate economic development opportunities within an area known as the "Industrial Corridor" in northwest Eugene. The area is represented by the Industrial Corridor Community Organization ("ICCO"), which is a non-profit, formally recognized community organization. The ICCO boundary is generally the large triangle of land lying between the Northwest Expressway on the east and the Urban Growth Boundary (UGB) on the west (see map included as Exhibit A to the ordinance).

Most of the property within the ICCO area is zoned and designated for industrial uses. The ICCO area includes many large parcels, some developed by local legacy industries, some undeveloped, and some under-developed. The ICCO area includes about 1,652 acres, approximately 96% of which is zoned industrial (38% Heavy Industrial/I-3, and 59% Light-Medium Industrial/I-2). Proximity to highways, railroad, and airport make the area highly-conducive to industrial uses. At the same time, there are development challenges associated with current policies and land use code requirements, availability of urban services such as sanitary sewer, and lack of contiguity with City limits for a large portion of the area. Consistent with the goals and objectives of the *Metro Plan* and *Regional Economic Prosperity Plan*, encouraging development and redevelopment within the ICCO area has the potential to create highly-desirable manufacturing jobs within local key industries.

Most of the area is outside the City limits of Eugene and does not have access to the full range of urban services such as sanitary sewer, stormwater drainage, police, and fire protection. Much of the area receives its necessary services through special districts, and may need on-site sewage disposal systems, until such time as individual properties are annexed to the City. In accordance with state and federal laws, as well as the *Metro Plan* and land use code, properties seeking development on these lands in most cases require connection to the City's sewer system and provision of other urban services by the City of Eugene. The *Metro Plan* anticipates that all lands within the UGB will eventually be annexed and served by the City. However, the lack of certain urban services like sanitary sewer, and the lack of contiguity with City limits, has hindered the ability for many properties to annex in the near term.

Property outside the City but inside the UGB (as is the majority of the ICCO area) was previously able to annex even if the property was not contiguous to City limits, provided that the Lane County Boundary Commission approved the request. However, with the abolishment of the Boundary Commission by the Legislature in 2008, annexations must now be contiguous to city limits. In addition to making it difficult to develop unless property first annexed, these changes also have the effect of precluding non-contiguous annexations, which in turn prevents the annexation of individual properties in the majority of the ICCO area. These changes occurred prior to the beginning of the recent recession. With development activity picking up again over the last several years, the policy question about whether to allow annexation agreements, rather than immediate annexation, warrants consideration by Council. In several cases, property owners have been unable to proceed

with development plans due to lack of contiguity with City limits or the availability of urban services (which means they cannot annex).

The alternative of allowing annexation agreements, along with enabling extension of sanitary sewer services outside the City limits, would be an efficient way to allow industrial development to proceed in the area, with a binding agreement to annex in the future when possible

This policy question was posed to the Council in November of 2016, with a recommendation from the City Manager and unanimous approval by the Council of a motion directing the City Manager to schedule a public hearing to allow property in the ICCO area to develop either by annexing or, if non-contiguous, signing an irrevocable consent to annex.

To that end, these legislative findings have been prepared in support of an ordinance which includes a land use code amendment and related provisions. The land use code amendment will create an exception to the requirements for Extra-Territorial Extension of Water or Sewer Service in Chapter 9 of the Eugene Code (see EC 9.8115-9.8121), which is a necessary component to enable development for some properties not already served with water and sewer facilities.

Findings of Compliance with Applicable Approval Criteria

Below are legislative findings addressing the land use code amendment, which is the only aspect of the ordinance subject to the approval criteria for code amendments at EC 9.8065 (listed below in ***bold***, with findings addressing each).

> ***EC 9.8065(1): [The amendment] is consistent with applicable statewide planning goals as 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 citizen involvement which ensure the opportunity for community members to be involved in all phases of the planning process and set out requirements for such involvement. The amendment does not amend the citizen involvement program. The process for adopting these amendments complies with Goal 1 because it is consistent with the citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on March 7, 2017. The formal public hearings on the proposal will be duly noticed to all neighborhood organizations, community groups and individuals who have requested notice, as well as to the City of Springfield and Lane County. In addition, notice of the public hearing was published in the Register Guard. Following action by the Eugene Planning Commission (to make a recommendation on the ordinance and code amendment), the Eugene City Council will hold a duly noticed public hearing to consider approval, modification, or denial of the proposal. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the code amendment is consistent with the requirements of Statewide Planning Goal 1.

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

The Eugene Code (Land Use, Chapter 9) specifies the procedures and criteria that are to be used in considering this code amendment. The record shows that there is an adequate factual basis for the ordinance and code amendment, including findings and evidence demonstrating compliance with all applicable approval criteria.

The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City will engage in an exchange about the subject of these plan amendments with all of the affected governmental units. Specifically, the City provided notice of the action and opportunity to comment to Lane County, Springfield and the Oregon Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for this code amendment. The code amendment is therefore consistent with Statewide Planning Goal 2.

<u>Goal 3 - Agricultural Lands</u>. To preserve agricultural lands.

The amendment is for property located within the UGB and does not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

<u>Goal 4 - Forest Lands</u>. To conserve forest lands.

The amendment is for property located within the UGB and does not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

<u>Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources.</u> 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.

The amendment does not create or amend the City's adopted inventory 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. It does not allow new uses that could be conflicting uses with a

significant Goal 5 resource site, and does not amend the acknowledged UGB. 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.

Goal 6 addresses waste and process discharges from development, aimed at protecting air, water and land from impacts from those discharges. To the extent the code amendment will enable extra-territorial extension of sanitary sewer service to some ICCO properties, it will generally reduce the likelihood or need for new on-site sewage disposal systems and thereby reduce the potential for groundwater contamination. It will not change any policies or regulations with regard to Eugene Water and Electric Board's role as the provider of water service for the City, other than to enable extension of water service for ICCO properties that may not already be connected. The amendment does not otherwise change any of the City's regulations with regard to stormwater treatment or air quality. The amendment is therefore consistent with Statewide Planning Goal 6, to the extent it might be considered applicable.

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

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The goal prohibits a development in natural hazard areas without appropriate safeguards. The amendment does not directly affect the City's existing regulatory restrictions or other adopted plan provisions for development in areas subject to natural disasters and hazards, or otherwise require further analysis as part of the amendment. Therefore, Statewide Planning Goal 7 does not apply.

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The 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.

The amendment will not impact any industrial or commercial use designations, nor amend the City's required inventory for industrial and commercial lands. Nonetheless, it will help to facilitate economic development and redevelopment opportunities in the ICCO area as previously discussed, and further addressed below with regard to relevant policies of the *Metro Plan*. In general, it will help to enable development of industrial land in the ICCO area that is already included as part of the

City's previously adopted inventory. The amendment is therefore consistent with Statewide Planning Goal 9, to extent that it might be considered applicable.

***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 buildable land. No land is being re-designated from residential use to a non-residential use, and the amendments do not otherwise diminish the lands available for residential use. Therefore, the amendments are 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 will not impact or amend the *Public Facilities and Services Plan*, which is adopted as a refinement of the *Metro Plan*. It will be consistent with relevant policies from the Public Facilities and Services Element of the *Metro Plan*, as addressed below in the findings addressing consistency with its applicable provisions. The amendment also does not include any capital public infrastructure projects to extend facilities and services to the area.

As previously discussed, the amendment will help to facilitate economic development opportunities in the ICCO area, where annexation may not be possible in the near term due to a lack of contiguity or availability of public services and facilities such as sanitary sewer. Specifically, the code amendment will enable extra-territorial extension of water or sewer service where needed, in combination with irrevocable annexation agreements that will thereby facilitate future annexation. As relevant here, the amendment will enable the extension of water or sanitary sewer service, as the need may arise to accommodate development in the ICCO area. The amendment is therefore consistent with Statewide Planning Goal 11, to extent that it might be considered applicable.

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

Goal 12 is implemented by the Transportation Planning Rule (TPR) as defined in Oregon Administrative Rule OAR 660-012-0060. TPR 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 preformation of a facility otherwise projected to not meet performance standards. Therefore, the amendment does not have a significant effect under (a), (b) or (c). As such, the amendment does not significantly affect any existing or future transportation facilities and is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

The amendment does not impact energy conservation in a manner that would require further analysis under Goal 13. 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 estuarine resources, coastal shore lands, beaches and dunes, or other ocean resources involved or otherwise affected by the amendment. Therefore, Statewide Planning Goals 16 through

19 do not apply.

EC 9.8065(2): [The amendment] is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The code amendment does not include any amendment of the *Metro Plan* text or land use designations. The findings below confirm that the code amendment is otherwise consistent with, and supported by, a number of relevant *Metro Plan* policies. There is no adopted refinement plan for the ICCO area, thus no further analysis is requires related to applicable adopted refinement plan provisions.

Growth Management Policies

15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban.

The intent of the amendment is to facilitate annexation agreements and extra-territorial extension of water and sanitary sewer services as necessary to support development activity in the ICCO area. As noted previously, the majority of properties in the ICCO area to are currently unable to annex or obtain necessary urban services (particularly sanitary sewer). The allowance of binding annexation agreements and service extension to accommodate near-term development activity in the area, will ultimately facilitate future annexation of ICCO properties.

20. When unincorporated territory within the UGB is provided with any new urban service, that service shall be provided by the following method (in priority order).
- *a. Annexation to a city;*
- *b. Contractual annexation agreements with a city;*
- *c. Annexation to an existing district (under conditions described previously in Policy #19); or*
- *d. Creation of a new service district (under conditions described previously in Policy #14).*

As previously discussed, the majority of unincorporated territory in the ICCO area is unable to annex to the City as a result of several factors. The code amendment will grant automatic approval for extra-territorial extension of wastewater and water service for ICCO properties, subject to a binding agreement to annex in the future when possible. The amendment is therefore consistent with the above policy by requiring a contractual agreement for future annexation as a condition of service extension, where immediate annexation is not currently possible.

21. Cities shall not extend water or wastewater service outside city limits to serve a residence or business without first obtaining a valid annexation petition, a consent to annex agreement, or when a health hazard annexation is required.

Consistent with the above policy, the code amendment will require a consent to annex agreement as a condition of wastewater or water service extension outside the City limits but within the ICCO (and within the UGB).

Economic Element

B.10 Encourage opportunities for a variety of heavy industrial development in Oregon's second largest metropolitan area.

B.11 Encourage economic activities, which strengthen the metropolitan area's position as a regional distribution, trade, health, and service center.

B.17 Improve land availability for industries dependent on rail access.

B.25 Pursue an aggressive annexation program and servicing of designated industrial lands in order to have a sufficient supply of "development ready" land.

The code amendment is consistent with the above policies by facilitating economic development opportunities within the ICCO area, where many industrial properties are currently unable to annex or obtain urban services within the UGB. While immediate annexation of non-contiguous properties wishing to move forward with development plans in the near term cannot be allowed under current state law, any extra-territorial wastewater or water service extension will require a binding annexation agreement. In combination, annexation agreements and service extensions will encourage economic activities and opportunities for a variety of heavy industrial development with good rail access, facilitate future annexation when it becomes possible, and improve the overall "development ready" status for ICCO properties.

Public Facilities and Services Element

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

The code amendment will facilitate wastewater service to ICCO properties that may not already be served, but where service is necessary to accommodate industrial development. The ICCO area is ultimately planned for future annexation to the City and is part of the projected growth and land area needed for industrial development within the UGB. To the extent this policy is relevant, service extension to the ICCO area will facilitate wastewater treatment at the regional treatment facility prior to effluent discharge or beneficial reuse/disposal of residuals.

Based on these findings, the code amendment is consistent with applicable provisions of the *Metro Plan* as required.

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

The code amendment does not include the establishment of any special area zone. As such, the above criterion does not apply.

Attachment C

Eugene Area Chamber of Commerce

Good afternoon Planning Commissioners,

I am writing regarding the land use code amendments being proposed within the "Industrial Corridor" area in northwest Eugene. The Eugene Area Chamber of Commerce strongly supports the proposed amendments. We have followed closely and assisted companies as they attempted to navigate the obstacles to growth and development within that corridor and we believe this amendment will begin to address some of these issues.

As we continue to plan for increased population and work to grow jobs and wages in our community, it is more important than ever that we analyze the current barriers to business growth and understand how our community can become more accommodating. It is appropriate that we consider the impact on our services but when we can make common sense updates to current codes to enable critical economic development opportunities, we should strive to do so.

The property within the ICCO area is primarily zoned and designated for industrial uses. Many of the current businesses within the area are large, legacy companies that provide jobs with livable wages to our community members. The area is conveniently located near highways, railroads and the airport providing ideal accommodations for many of these companies.

Due to procedural issues like the abolishment of the Lane County Boundary Commission, there are unnecessary barriers to additional development on these lands. We have already seen great companies like PakTech choose to expand elsewhere because of the uncertainty associated with the development requirements within this area. The Eugene Chamber urges you to support this important amendment to help facilitate future economic development opportunities for our community.

Sincerely,

Brittany Quick-Warner
Interim President & CEO
Eugene Area Chamber of Commerce

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Public Hearing: An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan Policy H.2 to Clarify Eugene May Adopt Aspirational Park Plans

Meeting Date: May 15, 2017 | Agenda Item Number: 2
Department: Public Works | Staff Contact: Neil Bjorklund
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ISSUE STATEMENT
This item is a public hearing before the City Council to review and receive testimony on a Type I Metro Plan amendment to amend a policy that governs whether a plan for future development of the park and recreation system must be adopted as land use plan policy. This Type I, single jurisdiction amendment to the Metro Plan only requires approval by the Eugene City Council.

BACKGROUND
The Eugene Parks and Open Space and Recreation Divisions are in the process of developing a new plan for future capital improvements in the city-wide system of park and recreation facilities, called the Eugene Parks and Recreation System Plan. The previous plan, the Parks, Recreation and Open Space Comprehensive Plan (PROS plan), was adopted by the City Council in 2006, but was later appealed to LUBA, and ultimately remanded back to the city to address an inconsistency with one particular Metro Plan Policy. The 2006 PROS plan was not intended to be a land use regulation, but LUBA determined that the Metro Plan prohibited the city from adopting the 2006 PROS plan unless it included the PROS plan as part of the City's land use code. In response, the city chose not to adopt the 2006 PROS plan at all. Like the 2006 plan, the new Eugene Parks and Recreation System Plan is not intended to be a land use regulation. The proposed ordinance would amend the Metro Plan to resolve this policy inconsistency so that the city can adopt the new Eugene Parks and Recreation System Plan as intended.

The Metro Plan currently contains a policy requiring the City's policies for future park and recreation facilities to be adopted as land use policy and incorporated into the land use code.

Policy H.2 in Section H in Chapter III of the Metro Plan provides:

> *Local parks and recreation plans and analyses shall be prepared by each jurisdiction and coordinated on a metropolitan level. The park standards adopted by the applicable city and incorporated into the city's development code shall be used in local development processes.*

This policy dates back to an era when the inventory of developable land within Eugene and Springfield's shared UGB did not account for (subtract) land for public parks and open space. The

City's new buildable lands inventory includes this accounting; it explicitly excludes the land needed for future public parks, so that the planning, acquisition, design and development of land for future parks will not impact the residential buildable lands inventory. This makes the Policy H.2 unnecessary for Eugene.

With this in mind, the Parks and Open Space Division and Recreation Division chose to draft the new plan for future park and recreation capital development as an aspirational plan, rather than one that imposes specific requirements integrated into the Metro Plan and the land use code. There are several reasons for this. The policies and proposed projects that will be included in the new Parks and Recreation System Plan are for land acquired and owned by the city—there will not be any prescriptive policies that place limitations on use or development of private land. The development of the new Parks and Recreation System Plan has already involved input from more than 10,000 Eugene community members, and represents a broad future vision for development of park and recreation facilities on public lands based upon the stated preferences of the community. With this in mind, the collective assessment of staff is that adding a land use approval process on top of this massive public engagement campaign will not improve the plan or add value or effectiveness to the adoption process. Finally, staff concludes that no land use related policy is necessary in the new Parks and Recreation System Plan to carry out a robust vision for future development of Eugene's park and recreation facilities.

Proposed Amendment

The proposed Metro Plan Amendment would add the following sentence to Policy H2:

> *This Policy does not apply to the City of Eugene, where a park and recreation plan may be aspirational in nature and does not need to be adopted as a land use plan.*

This approach confines the impact of the amendment to Eugene alone, leaving the other jurisdictions to approach this issue as they see fit, while clarifying that Eugene's adoption of an aspirational plan will be consistent with the Metro Plan. The draft ordinance containing the proposed amendment is shown in Attachment A.

Eugene Planning Commission Hearing

The Eugene Planning Commission held a public hearing on the proposed Metro Plan Amendment on March 14, 2017. There were no requests to speak at the public hearing. The Planning Commission closed the public hearing and discussed the item. A key concern expressed by Commissioners was that they wanted to see more frequent and more broadly shared information from the Parks and Open Space Division on how it has implemented the existing plan and accompanying Bond Measure from 2006 and how it implements any future bond measures. Parks and Open Space representatives explained that this effort is already underway with additional reporting on the 2006 PROS Bond implementation, and that an expanded effort would be made with measuring and reporting progress on future plan implementation and any future Parks and Recreation funding measures.

An additional concern raised by the Commission was whether the change in the policy would result in reduced coordination with other metropolitan area park and recreation agencies. Parks

and Open Space representatives explained that this type of coordination is of high importance and that it is on-going. One such example of this coordination is the fifteen-member Rivers to Ridges Partnership. It was also pointed out that a policy in the Metro Plan is not the most effective trigger for the level of on-going coordination that is needed between Metro-area parks and recreation agencies. This is because the Metro Plan policy is only invoked at the time of adoption of a new plan or adoption of changes to an existing plan, whereas the coordination among these parks agencies is needed during all phases of plan development, adoption, and implementation.

Next Steps

City Council deliberation and action is scheduled for the Council's May 22, 2017 meeting. If adopted, the ordinance will become effective 30 days after approval.

RELATED CITY POLICIES

- Council goal for Accessible and Thriving Culture and Recreation *(a community where arts and outdoors are integral to our social and economic well-being and are available to all).*
- Council goal for Fair, Stable and Adequate Financial Resources *(a government whose ongoing financial resources are based on a fair and equitable system of revenues and are adequate to maintain and deliver municipal services).*

COUNCIL OPTIONS

This is a public hearing. No action is needed at this time.

CITY MANAGER'S RECOMMENDATION

This is a public hearing. No recommendation is proposed at this time.

SUGGESTED MOTION

This is a public hearing only. No motion is required at this time.

ATTACHMENTS

A. Proposed ordinance for amendment to Metro Plan Policy H-2.
B. Metro Plan Amendment Findings

FOR MORE INFORMATION

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Additional information on the Parks and Rec System Plan is available on the project website at www.eugparksandrec.org.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN POLICY H.2 TO CLARIFY EUGENE MAY ADOPT ASPIRATIONAL PARK PLANS.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Eugene-Springfield Metropolitan Area General Plan is amended to add new text to the end of Policy H.2 in Section H in Chapter III of the Metro Plan, to provide:

> H.2 Local parks and recreation plans and analyses shall be prepared by each jurisdiction and coordinated on a metropolitan level. The park standards adopted by the applicable city and incorporated into the city's development code shall be used in local development processes. ***[This Policy does not apply to the City of Eugene, where a park and recreation plan may be aspirational in nature and does not need to be adopted as a land use plan.]***

Section 2. The findings set forth in Exhibit A attached to this Ordinance are provided in support of this ordinance.

Section 3. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002.

Passed by the City Council this

___ day of _____, 2017

_____
City Recorder

Approved by the Mayor this

____ day of _____, 2017

_____
Mayor

Exhibit A

Findings

Metro Plan Amendment
(City File MA 17-2)

Metro Plan Amendment (City File MA 17-2)

The policy with the amendment showing in ***bold underline italics*** is provided below:

> *H.2 Local parks and recreation plans and analyses shall be prepared by each jurisdiction and coordinated on a metropolitan level. The park standards adopted by the applicable city and incorporated into the city's development code shall be used in local development processes.* ***This Policy does not apply to the City of Eugene, where a park and recreation plan may be aspirational in nature and does not need to be adopted as a land use plan.***

Findings

Eugene Code Section 9.7735 requires that the following approval criteria (in ***bold italics***) be applied to a Metro Plan amendment:

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

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

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 citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendment does not amend the citizen involvement program. The process for adopting this amendment complies with Goal 1 because it is consistent with the citizen involvement provisions.

This amendment anticipates the future adoption of a new park and recreation plan. The citizen involvement process for the draft Eugene Parks and Recreation System Plan has far exceeded any previous standards established for citizen and community involvement. More than 10,000 interactions with Eugene community members have occurred thus far through online surveys, phone surveys, small group discussions, and more than forty public events in parks and other public spaces designed to gather input.

The Planning Commission public hearing on the proposal was duly noticed to all individuals who have requested notice, as well as to the City of Springfield and Lane County. In addition, notice of the public hearing was also published in the Register Guard. The City Council will hold a duly noticed

public hearing to consider approval, modification, or denial of the code amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 1.

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

Eugene's land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens.

To comply with the Goal 2 coordination requirement, the City provided notice to the City of Springfield, Lane County, and Lane Council of Governments. The City provided notice of the proposed action and opportunity to comment to the Oregon Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.
Goal 4 - Forest Lands. To conserve forest lands.

The amendments do not affect any land designated for agricultural or forest use. Therefore, Statewide Planning Goals 3 and 4 do 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 from 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 and 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. Therefore, Statewide Planning Goal 7 does not apply.

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is largely concerned with the provision of large destination facilities in non-urban areas. Neither Goal 8 nor DLCD's rules requires cities to adopt local park plans. Nonetheless, the City of Eugene is anticipating the future adoption of a local park plan. The amendment allows the City of Eugene flexibility in the process for adoption of Eugene's park and recreation plan. To the extent Statewide Planning Goal 8 is applicable (if at all), this amendment is consistent with Statewide Planning Goal 8.

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 amendment does not change available opportunities for economic activities. Therefore, Statewide Planning Goal 9 does not apply.

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

The amendment does not impact provision of housing. Therefore, 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 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 amendment does not impact transportation. Therefore, Statewide Planning Goal 12 does not apply.

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 within the jurisdiction of the Metro Plan. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

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

The Metro Plan text amendment to allow Eugene to adopt a parks and recreation plan that is aspirational will not create an internal conflict with the remainder of the Metro Plan. No other text changes and no diagram changes are necessary to ensure internal consistency with the proposed text amendment; adoption of this amendment will not make the Metro Plan internally consistent.

The following policy from the *Metro Plan* (identified below in *italics*) is potentially applicable to this amendment.

Park and Recreation Facilities Element

Policies

H.1 Develop a system of regional-metropolitan recreational activity areas based on a facilities plan for the metropolitan area that includes acquisition, development, and management programs. The Metro Plan and system should include reservoir and hill parks, the Willamette River Greenway, and other river corridors.

The amendment does not impact the facilities plan for the metropolitan area. The amendment does not change the allowance for park and recreation plans to include acquisition, development and management programs, or to include reservoir and hill parks, the Willamette Greenway and other river corridors. Therefore, this policy does not apply to the amendment.

The following policies related to park and recreation facilities do not apply to the amendment but are addressed here for context:

H.3 Accelerate the acquisition of park land in projected growth areas by establishing guidelines determining where and when developers will be required to dedicate land for park and recreation facilities, or money in lieu thereof, to serve their developments.

The amendment does not address guidelines for dedication of land for park and recreation facilities or funds in lieu of dedication. Therefore, this policy does not apply to the amendment.

H.4 Encourage the development of private recreational facilities.

The amendment does not address development of private recreational facilities. Therefore, this policy does not apply to the amendment.

H.5 Develop mechanisms and processes by which residents of an area to be served by a neighborhood park, neighborhood center, or play lot can participate in the design, development, and maintenance of the facility.

The amendment does not address processes for public and community involvement in design, development or maintenance of park and recreation facilities. Therefore, this policy does not apply to the amendment.

H.6 All metropolitan area parks and recreation programs and districts shall cooperate to the greatest possible extent in the acquisition of public and private funds to support their operations.

The amendment does not change the regional coordination between park and recreation agencies and programs related to acquiring public and private funds. Therefore, this policy does not apply to the amendment.

H.7 The City of Eugene shall cooperate with the University of Oregon in the resolution of any loss of recreational facilities associated with development in the Riverfront Park.

The amendment does not address the Riverfront Park or any other specific sites. Therefore, this policy does not apply to the amendment.

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

The City of Eugene does not have a city-specific comprehensive plan.

Applicable Refinement Plans

The amendment is a legislative text amendment and does not address any specific sites. Further, it only addresses the adoption process for the park and recreation plan and analysis, allowing an aspirational plan to be adopted. Therefore, it does not affect or conflict with any policy within the City's refinement plans, none of which address that process.