



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

July 17, 2017

5:30 p.m. CITY COUNCIL WORK SESSION
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

Meeting of July 17, 2017;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Alan Zelenka, President
Emily Semple
Claire Syrett
Jennifer Yeh

Mike Clark, Vice President
Greg Evans
Chris Pryor
Betty Taylor

5:30 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue

A. WORK SESSION and ACTION:

An Ordinance Establishing The Eugene Urban Growth Boundary, Including An Expansion For Employment, Parks And Schools By: Amending Text And Maps In The Eugene-Springfield Metropolitan Area General Plan; Adopting The Envision Eugene Comprehensive Plan, Including Policies For Growth Management Monitoring; Repealing The Eugene Commercial Lands Study; Amending The Public Facilities And Services Plan; Amending The Eugene 2035 Transportation System Plan; Adding Sections 9.4150 Through 9.4170 And Sections 9.8070 Through 9.8074 To The Eugene Code, 1971; Amending Sections 2.350, 2.1086, 6.250, 6.320, 7.715, 9.0020, 9.0500, 9.1010, 9.1040, 9.1060, 9.2100, 9.2110, 9.2120, 9.2140, 9.2400, 9.2405, 9.2410, 9.2420, 9.2430, 9.2450, 9.2500, 9.2600, 9.2620, 9.2680, 9.2700, 9.2705, 9.2710, 9.2720, 9.2730, 9.2790,

9.3020, 9.3100, 9.3130, 9.4070, 9.4260, 9.4610, 9.4640, 9.4700, 9.4778, 9.4800, 9.6600, 9.6791, 9.6860, 9.6880, 9.7000, 9.7007, 9.7055, 9.7305, 9.7400, 9.7405, 9.7500, 9.7505, 9.7510, 9.7800, 9.7820, 9.8010, 9.8030, 9.8065, 9.8085, 9.8090, 9.8100, 9.8115, 9.8200, 9.8220, 9.8320, 9.8325, 9.8421, 9.8424, 9.8440, 9.8445, 9.8500, 9.8515, 9.8520, 9.8550, 9.8850, 9.8855, 9.8865 And 9.9560 Of The Eugene Code, 1971; Repealing Section 9.9530 Of The Eugene Code, 1971; Amending The Eugene Zoning Map; Amending The Eugene Overlay Zone Map; Amending The Goal 5 Water Resources And Conservation Plan; And Amending The Water Quality Waterways Map And The List Of Tax Lots To Which The Water Quality Waterways Overlay Zone Will Be Applied Upon Annexation.

An Ordinance Establishing The Sufficiency Of The Eugene Urban Growth Boundary For Purposes Of Residential Land Needs By Making A Text Amendment To The Eugene-Springfield Metropolitan Area General Plan; Amending Text And Adopting An Appendix To The Envision Eugene Comprehensive Plan; And Amending Sections 9.2750 And 9.2751 Of The Eugene Code, 1971.

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.

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or visit us online at ***www.eugene-or.gov***.

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session and Action: Urban Growth Boundary Adoption Ordinances

An Ordinance Establishing the Eugene Urban Growth Boundary, Including an Expansion for Employment, Parks and Schools By: Amending Text and Maps in the Eugene-Springfield Metropolitan Area General Plan; Adopting the Envision Eugene Comprehensive Plan, Including Policies for Growth Management Monitoring; Repealing the Eugene Commercial Lands Study; Amending the Public Facilities and Services Plan; Amending the Eugene 2035 Transportation System Plan; Adding Sections 9.4150 Through 9.4170 and Sections 9.8070 Through 9.8074 to the Eugene Code, 1971; Amending Sections 2.350, 2.1086, 6.250, 6.320, 7.715, 9.0020, 9.0500, 9.1010, 9.1040, 9.1060, 9.2100, 9.2110, 9.2120, 9.2140, 9.2400, 9.2405, 9.2410, 9.2420, 9.2430, 9.2450, 9.2500, 9.2600, 9.2620, 9.2680, 9.2700, 9.2705, 9.2710, 9.2720, 9.2730, 9.2790, 9.3020, 9.3100, 9.3130, 9.4070, 9.4260, 9.4610, 9.4640, 9.4700, 9.4778, 9.4800, 9.6600, 9.6791, 9.6860, 9.6880, 9.7000, 9.7007, 9.7055, 9.7305, 9.7400, 9.7405, 9.7500, 9.7505, 9.7510, 9.7800, 9.7820, 9.8010, 9.8030, 9.8065, 9.8085, 9.8090, 9.8100, 9.8115, 9.8200, 9.8220, 9.8320, 9.8325, 9.8421, 9.8424, 9.8440, 9.8445, 9.8500, 9.8515, 9.8520, 9.8550, 9.8850, 9.8855, 9.8865 And 9.9560 of the Eugene Code, 1971; Repealing Section 9.9530 of the Eugene Code, 1971; Amending the Eugene Zoning Map; Amending the Eugene Overlay Zone Map; Amending the Goal 5 Water Resources And Conservation Plan; and Amending the Water Quality Waterways Map and the List of Tax Lots to Which the Water Quality Waterways Overlay Zone Will Be Applied Upon Annexation.

An Ordinance Establishing the Sufficiency of the Eugene Urban Growth Boundary For Purposes Of Residential Land Needs By Making a Text Amendment to the Eugene-Springfield Metropolitan Area General Plan; Amending Text and Adopting an Appendix to the Envision Eugene Comprehensive Plan; and Amending Sections 9.2750 and 9.2751 of the Eugene Code, 1971.

Meeting Date: July 17, 2017
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Terri Harding
Contact Telephone Number: 541-682-5635

ISSUE STATEMENT

After several years of community input, research and analysis, public meetings, and revisions, the City of Eugene is preparing to adopt a new Urban Growth Boundary (UGB). The City Council has provided direction on many elements of the adoption package over the past five years. In May, the Eugene and Lane County Planning Commissions provided their recommendations of approval to the Council and Board of County Commissioners.

In June, the City Council held a joint public hearing on the UGB proposal with the Lane County Board of Commissioners. At this meeting, the Eugene City Council will have the opportunity to deliberate and act on the proposal.

BACKGROUND

Oregon law requires all cities to have a UGB, which limits how far the city may grow while also providing enough room for places to live and work. Eugene's community vision is summarized in the seven pillars of Envision Eugene, approved by the City Council in 2012. Earlier this year, the Council directed staff to begin the formal adoption process for the UGB.

Eugene has been working through many complex tasks and choices to fulfill our responsibility to create a new UGB in a way that aligns with our community vision. The Council has provided direction and made decisions on the various work products from 2012-2016, including adopting efficiency measures from 2013-2015 that enable the city to accommodate more homes and jobs within the current UGB.

Urban Growth Boundary Package

The UGB adoption package reflects the Council's direction to staff over the last several years. The package addresses Eugene's land needs for housing, jobs, parks, and schools from 2012-2032, based on the state land use planning framework, Envision Eugene pillars, and seven years of technical analysis, community input, and Council direction. Major components include:

- Clear Lake Road expansion area for 3,000 jobs, a park and a school in the Bethel Neighborhood, and the proposed Clear Lake Overlay Zone
- Santa Clara expansion area for a new community park
- A new Comprehensive Plan with chapters addressing Economic Development, Transportation, Administration and Implementation (including growth monitoring), and the Urban Growth Boundary
- Proposed housing strategies including planning for 1,000 high density homes in downtown and 600 medium density homes in existing medium density areas.

The proposed Employment, Park, and School Ordinance is included as Attachment A. The Residential Land Ordinance can be found in Attachment B. The full binder of materials is located in the Public Service Building and the Atrium Building and on-line here: <https://www.eugene-or.gov/2987/Adopting-Our-Urban-Growth-Boundary>.

Additional information is available on the Envision Eugene website at www.EnvisionEugene.org. Materials from the Council work session on June 12 and public hearing on June 27 can be found at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>. Information from the

County Board of Commissioners' June 13 work session may be viewed at: <https://www.lanecounty.org/cms/one.aspx?pageId=4082662>.

Public Testimony and Staff Response

Fifteen people testified at the public hearing on June 27. Eight spoke in favor of adopting the ordinances as proposed. Seven expressed concerns about various aspects of the proposal, including:

- Adequate land supply and clear and objective standards for housing
- Housing affordability
- Growth Monitoring and data analysis assumptions
- Impacts of development on trees, traffic, and neighborhood character
- Transportation issues at Theona Drive and Highway 99
- Industrial land supply issues related to Eugene Sand and Gravel property

The Council and Board closed the hearing on June 27, and kept the record open for additional testimony until July 5. All testimony received is available online at the link listed in Attachment C. The issues listed above and raised in written testimony are addressed in the staff response at Attachment D.

In March, seventeen people spoke during the joint Planning Commission hearing, and testimony was submitted for the Commissions' consideration. That testimony is part of the overall record for the adoption of the UGB. Staff provided responses to testimony submitted during the Planning Commission process, which is included in the materials located at the link in Attachment D.

NEXT STEPS

The Lane County Board of Commissioners are scheduled to deliberate and act on the UGB proposal on August 8. The local decisions will then be sent to the state Department of Land Conservation and Development for their review and acknowledgement.

RELATED POLICIES

Triple Bottom Line of Sustainability

The environmental, social, and economic aspects of sustainability are inherent in Oregon's statewide planning program. Locally, Eugene has used a triple bottom line lens to evaluate policy choices. An example of this approach is the interdisciplinary committee that created an overlay zone for the Clear Lake expansion area that balances economic prosperity and environmental justice, as directed by the Council.

Envision Eugene Pillars

The UGB adoption package begins to implement the Council's 2012 Envision Eugene Recommendation directly. The seven pillars and associated strategies and actions are brought forward through the adoption of the urban growth boundary and Eugene-specific comprehensive plan as a major step in the ongoing community planning process.

COUNCIL OPTIONS

Employment, Park, and School Land Ordinance:

1. Adopt the ordinance as proposed in Attachment A.
2. Adopt the ordinance with amendments.
3. Take no action on the proposed ordinance.

Residential Land Ordinance:

1. Adopt the ordinance as proposed in Attachment B.
2. Adopt the ordinance with amendments.
3. Take no action on the proposed ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adopting the Employment, Park and School Land Ordinance as proposed in Attachment A.

The City Manager recommends adopting the Residential Land Ordinance as proposed in Attachment B.

SUGGESTED MOTIONS

Move to adopt Council Bill 5177, an ordinance concerning employment, park and school land.
Move to adopt Council Bill 5178, an ordinance concerning residential land.

ATTACHMENTS

Link to June UGB Adoption Package and AIS Attachments: <https://www.eugene-or.gov/DocumentCenter/Index/3483>

- A. Council Bill X, an ordinance concerning employment, park and school land, including list of Exhibits.
- B. Council Bill X, an ordinance concerning residential land, including list of Exhibits.
- C. Public Testimony (view at link above)
- D. Staff Response to Public Testimony
- E. Index of Recommended Changes to UGB Adoption Package, June 2017– City of Eugene
- F. Index of Recommended Changes to UGB Adoption Package, June 2017 – Lane County

FOR MORE INFORMATION

Staff Contact: Terri Harding
Telephone: 541-682-5635
Staff E-Mail: Terri.l.harding@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE EUGENE URBAN GROWTH BOUNDARY, INCLUDING AN EXPANSION FOR EMPLOYMENT, PARKS AND SCHOOLS BY: AMENDING TEXT AND MAPS IN THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN; ADOPTING THE ENVISION EUGENE COMPREHENSIVE PLAN, INCLUDING POLICIES FOR GROWTH MANAGEMENT MONITORING; REPEALING THE EUGENE COMMERCIAL LANDS STUDY; AMENDING THE PUBLIC FACILITIES AND SERVICES PLAN; AMENDING THE EUGENE 2035 TRANSPORTATION SYSTEM PLAN; ADDING SECTIONS 9.4150 THROUGH 9.4170 AND SECTIONS 9.8070 THROUGH 9.8074 TO THE EUGENE CODE, 1971; AMENDING SECTIONS 2.350, 2.1086, 6.250, 6.320, 7.715, 9.0020, 9.0500, 9.1010, 9.1040, 9.1060, 9.2100, 9.2110, 9.2120, 9.2140, 9.2400, 9.2405, 9.2410, 9.2420, 9.2430, 9.2450, 9.2500, 9.2600, 9.2620, 9.2680, 9.2700, 9.2705, 9.2710, 9.2720, 9.2730, 9.2790, 9.3020, 9.3100, 9.3130, 9.4070, 9.4260, 9.4610, 9.4640, 9.4700, 9.4778, 9.4800, 9.6600, 9.6791, 9.6860, 9.6880, 9.7000, 9.7007, 9.7055, 9.7305, 9.7400, 9.7405, 9.7500, 9.7505, 9.7510, 9.7800, 9.7820, 9.8010, 9.8030, 9.8065, 9.8085, 9.8090, 9.8100, 9.8115, 9.8200, 9.8220, 9.8320, 9.8325, 9.8421, 9.8424, 9.8440, 9.8445, 9.8500, 9.8515, 9.8520, 9.8550, 9.8850, 9.8855, 9.8865 AND 9.9560 OF THE EUGENE CODE, 1971; REPEALING SECTION 9.9530 OF THE EUGENE CODE, 1971; AMENDING THE EUGENE ZONING MAP; AMENDING THE EUGENE OVERLAY ZONE MAP; AMENDING THE GOAL 5 WATER RESOURCES AND CONSERVATION PLAN; AND AMENDING THE WATER QUALITY WATERWAYS MAP AND THE LIST OF TAX LOTS TO WHICH THE WATER QUALITY WATERWAYS OVERLAY ZONE WILL BE APPLIED UPON ANNEXATION.

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

A. Historically, the urban growth boundary (“UGB”) for the City of Eugene and the City of Springfield was a shared UGB, referred to as the “Metropolitan UGB,” within which Eugene’s jurisdictional area of responsibility was the land on the west side of Interstate 5 and Springfield’s jurisdictional area of responsibility was the land on the east side of Interstate 5.

B. House Bill 3337, passed by the Oregon State Legislature in 2007 and codified at ORS 197.304, provides: “Notwithstanding an intergovernmental agreement... or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has a population of 50,000 or more within its boundaries shall, separately from any other city: (a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan.”

C. In 2011, the City of Springfield and Lane County took actions that established the Springfield UGB by adopting a division of the Metropolitan UGB along Interstate 5, with the land east of Interstate 5 thereafter included in the Springfield UGB and the remainder land on the west of Interstate 5 to be included in a UGB for Eugene.

D. With this Ordinance, the City of Eugene approves the establishment and expansion of the Eugene UGB to accommodate the City's 20-year (2012-2032) need for additional employment, park and school land.

E. In 1992, by Ordinances Nos. 19852 and 19879, the Eugene City Council adopted the Eugene Commercial Lands Study as a refinement of the Eugene-Springfield Metropolitan Area General Plan to pertain to the Eugene portion of the Metropolitan UGB. The Lane County Board of Commissioners also adopted the Eugene Commercial Lands Study by PA 1018 in 1992. The Eugene Commercial Lands Study concluded that the Eugene side of the Metropolitan UGB had a surplus of commercial land to meet Eugene's needs for commercial land through, at least, 2010.

F. In 1992, by Ordinance No. 19866, the Eugene City Council approved the Metropolitan Industrial Lands Special Study Inventory Report and Metropolitan Industrial Lands Special Study Policy Recommendations Draft Report, pertaining to the entire Metropolitan UGB. The City of Springfield and Lane County Board of Commissioners also approved both reports (Lane County did so by PA 1022 in 1992). The Report and Study concluded the Metropolitan UGB had a surplus of industrial land to meet both Cities' needs through, at least, 2010. The Report and Study are no longer valid for Eugene.

G. The City of Eugene has taken numerous "efficiency measures" to increase the likelihood of new employment opportunities inside the Eugene UGB.

H. As explained in detail by the findings attached as an exhibit to this Ordinance, the City and County have determined that the City's entire need for employment land cannot be satisfied through "efficiency measures" and the Eugene UGB must be expanded to include additional land to meet the employment needs of Eugene's population through 2032.

I. As explained in detail by the findings attached as an exhibit to this Ordinance, the City and County have determined that the Eugene UGB must be expanded to include additional land for two community parks and a school to meet the park and school needs of Eugene's population through 2032.

NOW THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Eugene-Springfield Metropolitan Area General Plan is amended as follows:

(a) The text of the Eugene-Springfield Metropolitan Area General Plan is amended as shown on Exhibit A-1 to this Ordinance.

(b) The Eugene-Springfield Metropolitan Area General Plan "Plan Boundaries" map is amended to add "Eugene Urban Growth Boundary" to the legend and to provide an illustrative depiction of the Eugene UGB as shown on Exhibit A-2 to this Ordinance. All other features of that map remain unchanged by this Ordinance.

(c) The Eugene-Springfield Metropolitan Area General Plan “Plan Diagram” map is amended to:

(1) Add “Eugene Urban Growth Boundary” to the legend and to provide an illustrative depiction of the Eugene UGB as shown on Exhibit A-2 to this Ordinance; and

(2) Apply Metro Plan land use designations to the land added to the Eugene UGB as described on the table at Exhibit A-3 and as shown on the maps at Exhibit A-4 to this Ordinance.

All other features of that diagram remain unchanged by this Ordinance.

Section 2. The Envision Eugene Comprehensive Plan at Exhibit B-1 to this Ordinance is hereby adopted.

(a) The Eugene Urban Growth Boundary Location Map on the compact disc at Exhibit B-2 to this Ordinance is adopted as Appendix A to the Envision Eugene Comprehensive Plan and is the official Eugene Urban Growth Boundary Location Map. The depiction of the Eugene UGB included on the Eugene Urban Growth Boundary map in the body of the Envision Eugene Comprehensive Plan is a representative depiction of the UGB location shown on Exhibit B-2 (Appendix A to the Envision Eugene Comprehensive Plan), and is provided only for illustrative purposes.

(b) The Envision Eugene Employment Land Supply Study at Exhibit B-3 to this Ordinance, including the City’s Economic Opportunities Analysis and Employment Land Buildable Lands Inventory at Parts II and VI of the Study, is adopted as Appendix B to the Envision Eugene Comprehensive Plan.

Section 3. The Eugene Commercial Lands Study adopted by Eugene Ordinance No. 19852 and amended by Ordinance No. 19879 is repealed.

Section 4. The Eugene-Springfield Metropolitan Area Public Facilities and Services Plan text is amended as shown in Exhibit C-1 to this Ordinance and Maps 1, 2, 3 and 8 are amended as shown on the maps at Exhibit C-2 to this Ordinance.

Section 5. The Eugene 2035 Transportation System Plan is amended as shown in Exhibit D to this Ordinance.

Section 6. The text, maps and figures of the Eugene Code, 1971, are amended, added and repealed, as shown in Exhibit E to this Ordinance.

Section 7. The Eugene Zoning Map is amended to:

(a) Replace the urban growth boundary shown on that map with an illustrative depiction of the Eugene UGB as shown on Exhibit A-2 to this Ordinance;

(b) Apply zones to the land added to the Eugene UGB as described on the table at Exhibit A-3 and as shown on the maps at Exhibit F to this Ordinance.

Section 8. The Eugene Overlay Zone Map is amended to:

(a) Replace the UGB shown on that map with an illustrative depiction of the Eugene UGB as shown on Exhibit A-2 to this Ordinance;

(b) Add “/CL Clear Lake Overlay Zone” to the legend; and

(c) Apply overlay zones to the land added to the Eugene UGB as described on the table at Exhibit A-3 and as shown on the maps at Exhibit G to this Ordinance.

Section 9. The Goal 5 Water Resources Conservation Plan is amended as shown in Exhibit H attached to this Ordinance.

Section 10. The City’s Water Quality Waterways Map is hereby amended to:

(a) Delete the reference to “(2/20/09)” that follows the Tax Lot entry on the Map legend; and

(b) Add the information shown on the maps on the compact disc at Exhibit I to this Ordinance. Printed copies of the Exhibit I maps are attached to this Ordinance for illustrative purposes only.

Section 11. The following heading and table are added to the end of Exhibit C to Ordinance No. 20430 (the list of properties to which the /WQ Overlay Zone should be applied upon annexation):

**List of Affected Tax Lots Outside City Limits and Within UGB
City of Eugene Water Quality Protected Waterways (2012)**

Number	Tax Lot Number
182	1704080002300
183	1704080003000
184	1704092000800
185	1704092001300
186	1704092001400
187	1704080002400
188	1704090001100
189	1704160000300
190	1704160000400
191	1704160000500
192	1704160000100

193	1704160000200
194	1704160000700
195	1704010002900

Section 12. The findings set forth in Exhibit J to this Ordinance are provided in support of this Ordinance.

Section 13. 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 its passage by the City Council and approval by the Mayor, or upon the date the Lane County Board of Commissioners has adopted an ordinance containing substantially identical provisions to those described in Sections 1-5 and 9 of this Ordinance, whichever is later.

Section 14. 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, including replacing the “draft” labels with “final” labels and completing any incomplete references to this Ordinance on all Exhibits.

Passed by the City Council this

___ day of _____, 2017

Approved by the Mayor this

___ day of _____, 2017

City Recorder

Mayor

The following Exhibits to the Employment, Park and School Land Ordinance were provided to the Eugene City Council electronically as part of the AIS for the 6/12/17 work session and the 6/27/17 public hearing. They have also been physically present at these City Council meetings available for review in a binder at the City Council / City Manager's Offices and at the Atrium Building's public service desk:

- Exhibit A-1 Metro Plan Text Amendments
- Exhibit A-2 Eugene UGB Map (for illustrative amendment of Metro Plan "Plan Boundaries" map, Metro Plan "Plan Diagram" map, Eugene Zoning Map, and Eugene Overlay Zone Map)
- Exhibit A-3 Metro Plan Designation Changes and Zone Changes Table
- Exhibit A-4 Metro Plan Designation Change Maps
- Exhibit B-1 Envision Eugene Comprehensive Plan
- Exhibit B-2 Compact Disc Containing Official Eugene UGB Map / Appendix A to the Envision Eugene Comprehensive Plan
- Exhibit B-3 Employment Land Supply Study / Appendix B to the Envision Eugene Comprehensive Plan
- Exhibit C-1 Public Facilities and Services Plan Text Amendments
- Exhibit C-2 Public Facilities and Services Plan Map Amendments
- Exhibit D Eugene 2035 Transportation System Plan Amendments
- Exhibit E Eugene Code Amendments
- Exhibit F Eugene Zoning Map Amendments
- Exhibit G Eugene Overlay Zone Map Amendments
- Exhibit H Water Resources Conservation Plan Amendments
- Exhibit I Water Quality Waterways Map Amendments
- Exhibit J. Findings / Appendices
 - A. UGB Expansion Analysis for School Land
 - B. UGB Expansion Analysis for Employment Land
 - C. UGB Expansion Analysis for Park Land
 - D. Addendum to UGB Expansion Analysis for Employment Land
 - E. Summary of Methodology to Refine the Eugene Urban Growth Boundary Location
 - F. Wetland and Riparian Area Study Documents

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE SUFFICIENCY OF THE EUGENE URBAN GROWTH BOUNDARY FOR PURPOSES OF RESIDENTIAL LAND NEEDS BY MAKING A TEXT AMENDMENT TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN; AMENDING TEXT AND ADOPTING AN APPENDIX TO THE ENVISION EUGENE COMPREHENSIVE PLAN; AND AMENDING SECTIONS 9.2750 AND 9.2751 OF THE EUGENE CODE, 1971.

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

A. Historically, the City of Eugene and the City of Springfield had a shared urban growth boundary ("Metropolitan UGB") within which Eugene's jurisdictional area of responsibility was the land on the west side of Interstate 5 and Springfield's jurisdictional area of responsibility was the land on the east side of Interstate 5.

B. House Bill 3337, passed by the Oregon State Legislature in 2007 and codified at ORS 197.304, provides: "Notwithstanding an intergovernmental agreement . . . or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has a population of 50,000 or more within its boundaries shall, separately from any other city: (a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and (b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years."

C. In 2011 the City of Springfield and Lane County took actions that established the Springfield UGB by adopting a division of the Metropolitan UGB along Interstate 5, with the land east of Interstate 5 thereafter included in the "Springfield UGB" and the remainder land on the west of Interstate 5 to be included in an urban growth boundary for Eugene.

D. As part of the adoption of ordinances addressing the City of Eugene's need for employment, park and school land, the City of Eugene and Lane County have established the Eugene UGB, including an expansion of the UGB.

E. Past studies pertaining to the residential land supply within the, now obsolete, Metropolitan UGB (i.e. the 1999 Supply and Demand Technical Analysis and the 1999 Site Inventory Document) are no longer applicable and new studies pertaining to the Eugene UGB are required by ORS 197.304.

NOW THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The metropolitan "goals" and "policies" in the Eugene-Springfield Metropolitan Area Plan ("Metro Plan") Residential Land Use and Housing Element will continue

to apply in Eugene. However, the “findings” in that Element of the Metro Plan are no longer applicable within Eugene. A Metro Plan amendment is made to the first paragraph under Section A in Chapter III of the Eugene-Springfield Metropolitan Area General Plan (with no changes to the footnote) as follows:

A. Metropolitan Residential Land Use and Housing Element

The *Metro Plan* Residential Land Use and Housing Element addresses the housing needs of current and future residents of the entire Eugene-Springfield metropolitan area through 2015. In 2011, the City of Springfield and Lane County adopted a Residential Land Use and Housing Element that addresses Springfield’s city-specific residential land needs through 2030.¹³ ***In 2017, the City of Eugene adopted the Envision Eugene Residential Land Supply Study to address Eugene’s city-specific residential land needs through 2032.*** [This Springfield] ***These city-specific actions*** ~~waswere~~ based on the mandates set out in ORS 197.304, described in more detail in the *Metro Plan* Preface and Chapter 1. In adopting its city-specific update in 2011, Springfield made it clear that the regional housing goals and policies in this Metropolitan Residential Land Use and Housing Element would continue to apply to Springfield. However, the findings in this *Metro Plan* element no longer apply on the east side of Interstate 5. ***In adopting its city-specific actions in 2017, Eugene also made it clear that the regional goals and policies in this Housing Element would continue to apply to Eugene, but the findings would no longer apply within Eugene.*** ~~The entirety of this element will continue to apply on the west side of Interstate 5 until such time as the City of Eugene adopts its Residential Land Use and Housing Element, addressing its city-specific residential land needs.~~

Section 2. The Envision Eugene Comprehensive Plan is amended as follows:

(a) The Introduction text of the Eugene Urban Growth Boundary chapter is amended as shown on Exhibit A-1 (“Envision Eugene Comprehensive Plan Amendments”) attached to this Ordinance.

(b) The Envision Eugene Residential Land Supply Study attached to this Ordinance at Exhibit A-2 is adopted as Appendix C to the Envision Eugene Comprehensive Plan. Part II of the Envision Eugene Residential Land Study is the City’s Housing Needs Analysis and Part V is the City’s Residential Buildable Lands Inventory for (2012-2032).

Section 3. The entry for “Minimum Net Density per Acre” in the “Density” section of Table 9.2750 of the Eugene Code, 1971, is amended to provide as follows:

9.2750 Residential Zone Development Standards. In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply. In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards shall apply.

The following Table 9.2750 sets forth the residential zone development standards, subject to the special development standards in EC 9.2751.

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Density (1)					
Minimum Net Density per Acre	No Minimum	--	[10] 13 units	20 units	20 units

Section 4. Subsection (1)(a) of Section 9.2751 of the Eugene Code, 1971, is amended to provide as follows:

9.2751 Special Development Standards for Table 9.2750.

(1) Density.

(a) The minimum residential density requirements set forth in Table 9.2750 do not apply to:

1. ~~[a]~~ Attached secondary dwellings in R-1;
2. ***Lots zoned R-2 that are less than a half-acre (21,780 square feet) and that were created before [effective date of ordinance];***
3. ~~[or to residentially-zoned]~~ ***[i] Lots or development sites in the R-3 or R-4 zones that are developed and are 13,500 square feet or less in size[-];***
4. ***Lots within a /# overlay zone as described in EC 9.4050 to EC 9.4065; or***
5. ***Dwellings exclusively for low income individuals and/or families where all units are subsidized. For this purpose, low income means having income at or below 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development. For these types of dwellings the minimum density is 10 units per net acre.***

(Refer to Table 9.2750 Residential Zone Development Standards for the required net area per dwelling unit.)

Section 5. The findings set forth in Exhibit B attached to this ordinance are adopted as findings in support of this ordinance.

Section 6. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, Section 1 of this Ordinance shall become effective 30 days from the date of its passage by the City Council and approval by the Mayor, or upon the date the Lane County

Board of Commissioners has adopted an ordinance containing identical provisions to those described in Section 1 of this Ordinance, whichever is later.

Section 7. 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, including replacing the “draft” labels with “final” labels and completing any incomplete references to this Ordinance on all Exhibits.

Passed by the City Council this

____ day of _____, 2017

City Recorder

Approved by the Mayor this

____ day of _____, 2017

Mayor

The following Exhibits to the Employment, Park and School Land Ordinance were provided to the Eugene City Council electronically as part of the AIS for the 6/12/17 work session and the 6/27/17 public hearing. They have also been physically present at these City Council meetings available for review in a binder at the City Council / City Manager's Offices and at the Atrium Building's public service desk:

Exhibit A-1 Envision Eugene Comprehensive Plan Amendments

Exhibit A-2 Residential Land Supply Study

Exhibit B Findings

Memorandum

Date: July 11, 2017
To: City Council & Lane County Board of Commissioners
From: Terri Harding, Planning Division
Subject: Staff Response to Public Testimony and Elected Officials– Urban Growth Boundary Proposal

This memo addresses major themes that have been raised in public testimony since the Planning Commission's public record was closed (e.g. post March 14, 2017) as well as questions raised by the City Council & Lane County Board of Commissioners. The topics are generally provided in the order of the urban growth boundary (UGB) proposal binder of materials available at:

<https://www.eugene-or.gov/DocumentCenter/Index/3434>.

The issues are identified in bold below, followed by a staff response. Several of these issues were also raised and responded to previously during the Planning Commission process. Generally, the "Staff Response to Public Testimony/Planning Commission – Urban Growth Boundary Proposal" memo provided during the Planning Commission process is more detailed than the responses below and is therefore included as Appendix A.

Ordinances

Public testimony was received regarding whether or not to keep the Employment, Parks and Schools Ordinance separate from the Residential Ordinance. The considerations for keeping the two ordinances separate or combined is discussed in Appendix A.

Comprehensive Plan

Public testimony was received expressing disappointment that the UGB proposal does not include a lot-level specific land use diagram in the proposed comprehensive plan. As discussed further in Appendix A, much of Eugene's buildable lands inventory already has a parcel specific designation because the land is not bordering more than one designation. It is also noted that the City of Springfield recently went through a similar process of adopting their own UGB and their package does not include a lot-specific plan diagram. However, it is a priority of the Planning Division to create a lot-specific plan diagram for better development monitoring and for certainty to neighbors and developers. This is also addressed in Appendix C.

Clear Lake Expansion Area

Alternative Expansion Areas

The Lane County Planning Commission addressed public testimony regarding the proposed employment expansion, and whether land owned by Eugene Sand and Gravel should have been included to meet part of that need. The County Planning Commission expressed reservations about the City's legal argument regarding the process for transitioning land from an aggregate resource Goal 5 designation to a non-resource designation. This issue was raised during the Planning Commission process as well as during the Council/Board process, and is addressed in Appendix A.

Theona Drive Transportation Issues

Public testimony was submitted questioning the proposal to extend and improve Theona Drive to neighborhood collector standards between Highway 99 and Terry Street. While a collector will likely be needed in the future to serve community park and industrial uses south of Clear Lake Road, there are a number of unresolved transportation issues related to business access and safe operations on Highway 99, which is currently under ODOT jurisdiction. Because it is not necessary for UGB adoption to define the Theona transportation project as originally proposed, staff recommends deleting this project from the list of needed transportation projects to be added to the Transportation System Plan. This revision is noted in the index of recommended changes to the UGB adoption package, Attachment E to the July 17 City Council AIS. The issue will be revisited with affected agencies and property owners in the future, as necessitated by development proposals or transportation improvement projects in the area.

Clear Lake and Santa Clara Parks Expansions

Public testimony was received opposing expansion for the Santa Clara park or any other development in this area. This issue was raised during the Planning Commission process and is addressed in Appendix A. In short, there is an established need for a community park in both the Santa Clara and Bethel park planning areas. The proposed expansion consists of lands that meet required site characteristics while minimizing the amount of non-park land to be brought into the UGB. Undoubtedly, addressing this need does mean that the park site, and the infrastructure leading up to it will eventually change the character of the area over time. A public process with opportunity for input will be part of the future park planning process.

Residential Land Supply Study

Appendix B addresses major themes related to housing and the UGB proposal that have been raised in public testimony during the formal UGB adoption process as well as questions raised by the City Council & Lane County Board of Commissioners.

Public testimony was received suggesting revisions to the City’s zoning code related to needed housing standards are required before the Residential Ordinance can be approved. A response to this issue is provided in Appendix C.

Miscellaneous

Monitoring Efforts

Both the City of Eugene Planning Commission and the Lane County Planning Commission expressed a desire for the Growth Monitoring Program (established by policies in the Envision Eugene Comprehensive Plan) to be implemented as soon as possible to support future planning. This comment does not propose any change to the adoption package, but rather urges priority be given to these efforts upon adoption.

Metro Plan Boundary and Urban Reserves

The Lane County Planning Commission expressed concern that the UGB adoption package does not include a proposal to re-align the Metro Plan Boundary so that it is the same as the proposed UGB, which the County Planning Commission feels is important for jurisdictional clarity. The County Planning Commission also noted their concern about Urban Reserves planning, which is not included in the UGB adoption package, but which staff has been directed by City Council to pursue upon

acknowledgement of the UGB by the state. The County Planning Commission expressed reservations regarding the value of Urban Reserves for the City of Eugene, and possible negative impacts for County residents. On July 20, 2015 the City Council directed the City Manager to initiate City work on urban reserve planning immediately and to provide proposed urban reserves for the City and County's consideration within 2 years of State acknowledgement of the baseline UGB. This work will require coordination between City and County staff, commissions and elected bodies. Staff will request work sessions on this topic with the County after summer 2017 to further explore the issues and concerns. Staff propose addressing the Metro Plan boundary through the process of urban reserves planning, so that the jurisdictional issues are addressed in a coordinated manner.

Appendices:

- A. Staff Response to Public Testimony/Planning Commission– Urban Growth Boundary Proposal, April 5, 2017, including appendices 1-6
(see link at: <https://www.eugene-or.gov/DocumentCenter/Index/3483>)
- B. Summary of the UGB Proposal and Housing, July 11, 2017
- C. Response to Home Builders Association letter, Emily Jerome, July 5, 2017

Memorandum

Date: July 11, 2017
To: City Council & Lane County Board of Commissioners
From: Heather O'Donnell, Planning Division
Subject: Staff Response to Public Testimony and Elected Officials– Urban Growth Boundary Proposal for Housing

This memo addresses major themes related to housing and the UGB proposal that have been raised in public testimony during the formal UGB adoption process as well as questions raised by the City Council & Lane County Board of Commissioners. Several of these concerns have been raised throughout Envision Eugene and this is an attempt to summarize the concerns and how the UGB proposal does or does not address them. The issues are identified in bold below, followed by staff response.

1. Population

Elected Officials noted the recent 2016 certified population estimate for Eugene and asked how we will respond if our population forecast is incorrect, such as if the recent higher one year growth rate (1.8%) is extended out 20 years. If the population growth rate we are currently planning for (.9%) is lower than the future actual population growth we will want to address these trends and update our land needs and growth strategies. The proposed UGB is based on the 2009 adopted forecast. A new forecast was provided by Portland State University Population Research Center as required by the state. The 2015 forecast incorporates newer data and an estimated comparison of the two forecasts is provided in Attachment 1. It shows an increase in population growth compared to the 2009 forecast and Eugene is scheduled to get another forecast in 2018-19 that will incorporate even more recent data. The growth monitoring program is intended for exactly these types of situations, to monitor new data and help inform decision makers if new strategies are needed.

2. Housing Affordability

Testimony and elected officials have questioned how the UGB proposal addresses housing affordability. See the more detailed response in the Staff Response to Public Testimony/Planning Commission, April 5, 2017.¹ The following is a summary of the approach:

Housing affordability has consistently been raised as a concern in our community and resulted in one of the key pillars of Envision Eugene being to *Provide Housing Affordability to All Income Levels*. The strategies surrounding housing affordability are complex, and are not just related to land supply as recently documented in an article by the Oregon Chapter of the American Planning Association, which found that infrastructure costs to serve expansion areas is the main factor in making developing these areas too expensive.²

¹ See the Staff Response to Public Testimony/Elected Officials, July 10, 2017 and its attachments/appendices for full citations.

² See the Staff Response to Public Testimony/Elected Officials July 10, 2017, Appendix 6: *Challenges to development in Oregon: It's not just about the UGB*, 2017

A multi-faceted approach is necessary to provide opportunities for development of housing affordable to all income levels. As detailed in the attached Housing Affordability memo,³ the City's approach is:

UGB Proposal

- Long-term planning for a city-wide, 20 year buildable land supply (of which about half of the 2012 Low Density Residential capacity is found in flat areas which is typically less expensive to develop) and regarding what type of housing Eugene will need in the future (as documented throughout the City's Housing Needs Analysis).
- City Council direction to plan for a larger proportion of new multi-family housing compared to Eugene's historical trends, planning for 55% single-family/45% multi-family (compared to city-wide existing housing stock at 61% single-family/39% multi-family). Multi-family housing is typically more affordable than single-family housing because land and service costs for multi-family are spread out over multiple units.
- Proposed Envision Eugene Comprehensive Plan policies to establish a growth monitoring program.
- Long-term planning for jobs, including planning/expanding for jobs that need larger sites and often offer higher wages that could help raise the average wage.

Future Implementation of Envision Eugene (2012 Recommendation)

- Raising the average wage by working with our partners and property owners to reduce development barriers for industrial sites.
- Reducing housing costs through promoting compact development and expanding housing variety and choice.
- Preserving and maintaining existing housing stock which is typically less expensive to rent or own per square foot than new housing.
- Establishing a growth monitoring program.
 - Monitoring data related to land supply and capacity to avoid a shortfall. Monitoring data related to housing affordability such as housing costs, household income, housing costs as a percentage of income, and average wage. Monitoring some key housing development and housing affordability data in adjacent communities.
 - Monitoring and planning for urban reserves to help expedite knowing when an expansion is needed and where it will occur.

Housing Costs in Eugene Compared to Other Communities

Elected officials also inquired about housing costs in Eugene and how they compared to other communities. Part II Housing Needs Analysis of the Residential Land Supply Study (Exhibit A-2 of the Residential Ordinance) summarizes housing costs in Eugene, including some comparisons to the state, Lane County and surrounding communities (pages 76-91). An analysis of how much it costs to build on a piece of land is complicated and was not performed nor required for this level of analysis. A detailed analysis of housing costs in Eugene could be provided at a later date if so directed by the Council, to inform issues regarding housing affordability.

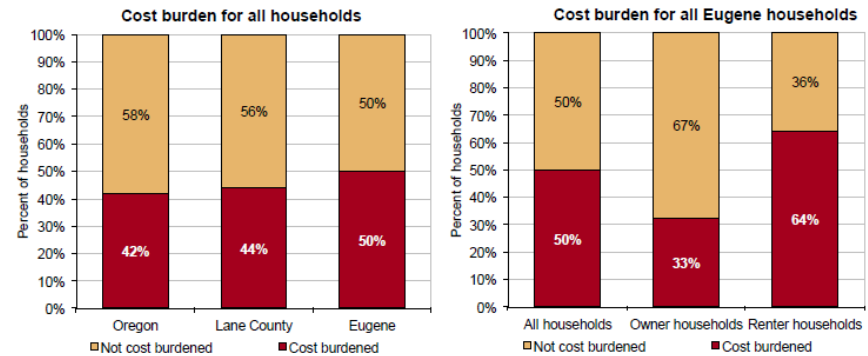
A few relevant excerpts from the Housing Needs Analysis are included here:

"HUD guidelines indicate that households paying more than 30% of their income on housing experience "cost burden" and households paying more than 50% of their income on housing experience "severe cost burden..."

³ See the Staff Response to Public Testimony/Elected Officials July 10, 2017, Appendix 5

“50% of Eugene households experienced cost burden in 2011. The rate was much higher for Eugene renters (64%) than for homeowners (33%)... In comparison, ... in Lane County—44%— were cost burdened in 2011, with 61% of renter households cost burdened and 31% of owner households cost burdened.”

Figure 24. Comparisons of cost burden for Eugene, 2011

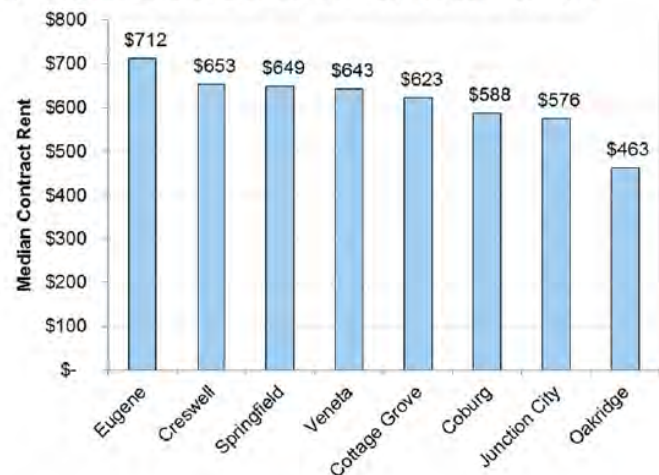


Source: American Community Survey 2011 B25070 B25091

“Housing values doubled between 1990 and 2000 in Eugene from nearly \$73,000 in 1990 in Eugene to \$145,000 in 2000, increasing by more than \$72,000 or 99%. Lane County’s housing prices increased by \$70,500 or 108% over the same period.

Between 2000 and 2011, Eugene’s housing prices increased from nearly \$145,000 in 2000 in Eugene to \$236,600 in 2011, increasing by more than \$91,600 or 63%. Lane County’s housing prices increased by \$76,900 or 57% over the same period.”

Figure 30. Median contract rent, Lane County cities, 2007-2011



Source: American Community Survey 2007-2011 B25058

Table 23. Comparison of income, housing value, and gross rent, Eugene, 1989, 1999, and 2010

Indicator	1989	1999	2010	Change	
				1989-1999	1999-2010
Median HH Income	\$ 25,369	\$ 35,850	\$ 37,339	41%	4%
Median Family Income	\$ 34,153	\$ 48,527	\$ 55,063	42%	13%
Median Owner Value	\$ 72,800	\$ 152,000	\$ 236,600	109%	56%
Median Gross Rent	\$ 425	\$ 621	\$ 826	46%	33%
Percent of Units Owned	51%	52%	45%		
Ratio of Housing Value to Income					
Median HH Income	2.9	4.2	6.3		
Median Family Income	2.1	3.1	4.3		

Source: U.S. Census 1990 SF1 P080A P107A P114A P117, SF3 H008 H043A H061A, U.S. Census 2000 SF1 P53 P77 P82 P87, SF3 H7 H63 H76, American Community Survey 2011 B19013, B19113, B19301, B17001

“Table 24 compares income, housing value, and gross rent for Lane County in 1989, 1999, and 2010. Between 1989 and 2010, the ratio of housing value/household income grew from 2.6 to 5.2.”

Table 24. Comparison of income, housing value, and gross rent, Lane County, 1989, 1999, and 2010

Indicator	1989	1999	2010	Change	
				1989-1999	1999-2010
Median HH Income	\$ 25,268	\$ 36,942	\$ 40,584	46%	10%
Median Family Income	\$ 30,763	\$ 45,111	\$ 53,086	47%	18%
Median Owner Value	\$ 65,500	\$ 141,000	\$ 212,900	115%	51%
Median Gross Rent	\$ 418	\$ 604	819	44%	36%
Percent of Units Owned	61%	62%	56%		
Ratio of Housing Value to Income					
Median HH Income	2.6	3.8	5.2		
Median Family Income	2.1	3.1	4.0		

Source: U.S. Census 1990 SF1 P080A P107A P114A P117, SF3 H008 H043A H061A, U.S. Census 2000 SF1 P53 P77 P82 P87, SF3 H7 H63 H76, American Community Survey 2011 B19013, B19113, B19301, B17001

“In summary, the data indicate that homeownership is increasingly expensive in Eugene and that the cost of homeownership is prohibitive for low- and moderate-income households. The purchase price of housing, however, decreased as a result of the current housing market downturn and has continued to do so through 2011. Data about housing sales for Eugene in 2012 suggest that housing prices are stabilizing and beginning to increase, although at a slower rate than the State average.

The data indicate that homeownership rates in Eugene and Lane County have held constant, despite the rapid increase in sales prices during the mid-2000’s. This is probably due in large part to the broader array of financing options available to households during the mid-2000’s, many of which are not currently available to households today. The future availability of these financing options is unclear, as the local and national housing markets recover from the downturn and recession that started at the end of 2007.”

This is some of the data that will need to be monitored and addressed in future planning, as mentioned in section 1 above.

3. Land Supply

Phantom Capacity: Concerns have been raised that the remaining land in the City’s residential land supply includes some phantom capacity. The City’s analysis of its inventory of residential land applied several filters to get at issues that would make land not buildable or constrained from development. The steps and information the City took to accurately inventory the available land supply are detailed in Part I of the Residential Land Supply Study, Exhibit A-2 of the Residential Ordinance. These include:

- Identifying “protected” land such as Goal 5 protected streams and wetlands and their setback areas, Goal 6 water quality areas and their setbacks, slopes of 30% or greater, major utility easements, threatened and endangered species.
- Reviewing individually each lot with a potentially partially vacant portion, and excluding from the supply land such as open space used for multi-family developments, manicured landscaping/driveways around single-family homes, and land with non-residential uses on it such as religious institutions.
- Holding open map rooms and technical review group meetings (Eugene Comprehensive Lands Assessment or ECLA Citizen Advisory Committee, Envision Eugene Technical Resource Group or TRG), meeting with individual stakeholders and reviewing specific sites (e.g. Home Builders Association of Lane County)
- Discussion at the TRG regarding whether there should be a minimum size cut-off (determination was no).
- Analysis of land configuration details (e.g. access, lot shape, etc.) was not performed nor is it required by State law.

Additional Low Density Residential Capacity Added: Additionally, the City added about 200 acres to the Low Density Residential land supply by re-designating land previously designated for Medium Density Residential. The majority of this land is in the Crow Road area, much of which is flat and the area is more likely to be served with utilities than a potential UGB expansion area.

4. Land Capacity

Concerns have been raised that the capacity assumptions for sloped land are too high. The City's analysis of the capacity of its inventory of residential land also applied several filters to recognize capacity limitations. The steps and information the City took to accurately inventory the available land supply are detailed in Part II of the Residential Land Supply Study, Exhibit A-2 of the Residential Ordinance. These issues were reviewed by the ECLA Citizen Advisory Committee or the Envision Eugene Technical Resource Group, include the following in chronological order:

- The first (ECLA) density assumptions were all based on the averages found city-wide from 2001-2008 development, including lower densities on Low Density Residential (LDR) 5-30% sloped land (2.9-3.7 homes per gross acre) than less than 5% slope flat land (4.1-5.2 homes per gross acre).
- Revised LDR densities based on information submitted by the Home Builders Association of Lane County of 2001-2008 subdivisions in the south hills (e.g. density dropped to a flat 2.5 homes per acre for all land 5% or greater slope).
- Revised LDR densities to assume only one home per lot on lots above 900' elevation (based on south hills policy).
- Updated buildable lands inventory and density assumptions to reflect more recent development (2009-2012). LDR flat land densities increased whereas the updated south hills subdivision data resulted in no change (LDR slope densities stayed at 2.5 homes per acre).
- Updated the application of the LDR density assumptions in the south hills to address evidence submitted that the 2.5 density had been misapplied, that a higher density should be assumed on land above 900 feet, and that density being applied to the aggregate acres of smaller lots undercounted what these small lots were already legally allowed to do.

Therefore, at this point, the assumed densities are almost entirely based on historical development data over several years with limited adjustments. We've heard that the 2.5 homes per acre density assumption is both too low and is too high. It is important to note that:

- Because these are average density assumptions, some developments in the south hills will come in higher than 2.5 homes per acre and some will come in lower.
- The development capacity of land that is at the low end of the BLI's slope subset (e.g. a slice made up of the land that is 5%-15% slope) is likely to be developed at a higher average density than that of the land that is at the high end of that subset (e.g. the slice made up of land that is 20%-30%).

5. Buildable Lands Analysis and Resulting Multi-family Housing Deficit

Public testimony was submitted suggesting several reasons that there is not a multi-family housing deficit as is currently projected by the UGB proposal. The testimony from Mr. Helikson is substantially the same as the testimony that Mr. Helikson submitted to the Planning Commission. This testimony was responded to at length in the Staff Response to Public Testimony/Planning Commission, April 5, 2017 and is summarized below.

To summarize:

- **Metro Plan Diagram:** The testimony raised concern that the City's buildable lands inventory (BLI) is based on the 2004 Metro Plan land use diagram even where an existing refinement plan and/or zoning is a "higher" use than the Metro Plan designation and that the 2004 Metro Plan is not site specific. Because there is no adopted digital version of the diagram, the city used a digital

copy and applied some mapping processing rules. Therefore, the City used the best available designation information at the time for this level of analysis. The City is not required to compare a property's Metro Plan designation, to the site's zoning or refinement plan designation and then pick which to use, further, it is more consistent to simply use the comprehensive plan designation and clearly allowed by the Oregon administrative rules.

- **Planning period vs. BLI model date:** The testimony raised concern that the date the BLI was initially run (August 2012) and updated (May 2013) do not match the population forecast start date (2012). However, the initial BLI run and the beginning of the planning period are both in 2012 and the State statutes do not require cities to get more specific than the years they are planning for (e.g. 2012 vs. January x, 2012). It's worth noting that this project addresses long-range, 20-year planning that does not require a high level of specificity.
- **Recent development:** The testimony commented that the BLI and UGB assumptions do not incorporate the most up to date development and are instead based on historic trends, particularly regarding multi-family housing and redevelopment. This is true, the BLI and capacity assumptions generally reflect development from 2001-2012 which aligns with the start of our planning period, 2012. These planning processes take many years to complete, and the state recognizes this and does not require cities to continuously update their data once studies have been completed. The City Council considered this issue in July 2015. The Council directed staff to continue with the agreed upon data and assumptions.
- **Buildable Land Supply Sites and Assumptions:** The testimony suggested that there are errors in the buildable lands inventory and resulting assumptions. It is true that for a project of this city-wide scale, where there are too many sites to be visited and the city-scale data may not be regularly maintained, there are likely to be inaccuracies which could add or subtract land from the inventory. Numerous reviews occurred to reduce inaccuracies. To this end, our review of the specific sites in the recent testimony is included in Appendix 4 and found only one error (that would actually reduce the residential capacity slightly).
- **Exclusion of Capacity for Other Non-residential Uses.** The testimony questioned several areas where housing capacity was reduced because of assumed non-residential uses that would occur on residential land.
 - o The testimony questioned the deduction of 30 acres of High Density Residential (HDR) capacity and 15 acres of Commercial capacity for future University of Oregon non-residential needs. This was based on the University's information at the time. Updating the University's needs based on the recent and even future campus planning efforts is anticipated to be included as part of the City's first growth monitoring program effort.
 - o The type of land (HDR and Commercial) needed for the University was based on the designation of land around the campus and Autzen Stadium.
 - o The testimony questioned deducting capacity for other uses that would occur on residential land (e.g. the University, park needs, group quarters, and employment uses) without knowing if they would be on vacant land. No distinction was made regarding whether the land needed was developed or vacant because the City's analysis assumes that in either scenario, the use would be displacing either existing or future housing capacity that needs to be accounted for.

The June 27th testimony by Mr. Aspregren also stated that staff has ignored Mr. Helikson's analysis which had been submitted previously. Details of several of staff's responses to Mr. Helikson's inquiries are outlined and attached to Appendix F of the Staff Response to Public Testimony/Planning Commission, April 5, 2017. While staff and Mr. Helikson disagree, staff has listened, discussed, and responded to Mr. Helikson repeatedly, summarized as follows:

- Numerous emails between Mr. Helikson and staff from November 2014 -November 2016
- Meeting with Mr. Helikson on December 3, 2014

- Email to City Council with memo of staff review of Mr. Helikson's multi-family housing data analysis, July 8, 2015
- TRG Meeting discussing Mr. Helikson multi-family housing data analysis on August 20, 2015
- Meeting with Mr. Helikson and Mr. Fodor, Mr. Aspregren on October 3, 2016, and with Mr. Helikson on October 13, 2016
- Several emails to Mr. Helikson, Mr. Fodor and Mr. Aspregren September – November 2016
- Data staleness/quality concern discussed at City Council in July 2015

6. Suggestion to Condition Approval of Residential Ordinance to Report within 1.5 years:

Testimony submitted by Mr. Aspregren suggests approving the Residential Ordinance with the increase to the minimum density in R-2 with the condition that within a year and a half an updated plan is ready for approval. It is not clear if Mr. Aspregren was suggesting bringing back a comprehensive review of the whole UGB plan or just a review of multi-family development. It would be easier if we could just look at one specific issue, like recent multi-family housing development, and bring that piece up to date.

However, looking at one piece in isolation from all the other related pieces (e.g. population growth, status of our land supply, housing mix and density trends) does not allow us to do our due diligence in providing the complete and more accurate view of our residential land trends and planning for our comprehensive housing needs.

Attachments

1. Population Growth and the Current UGB, Heather O'Donnell, June 20, 2017



Memorandum

Date: June 20, 2017
 To: The file (CA 17-1, MA 17-1, RA 17-1, Z 17-2)
 From: Heather O'Donnell, Senior Planner
 Subject: Population Growth and the Current Urban Growth Boundary

Over the course of Envision Eugene, many have questioned how the current urban growth boundary (UGB) could still possibly accommodate the next 20 years of housing. The UGB, historically shared with Springfield, was established in 1982 and has never been expanded for residential land.

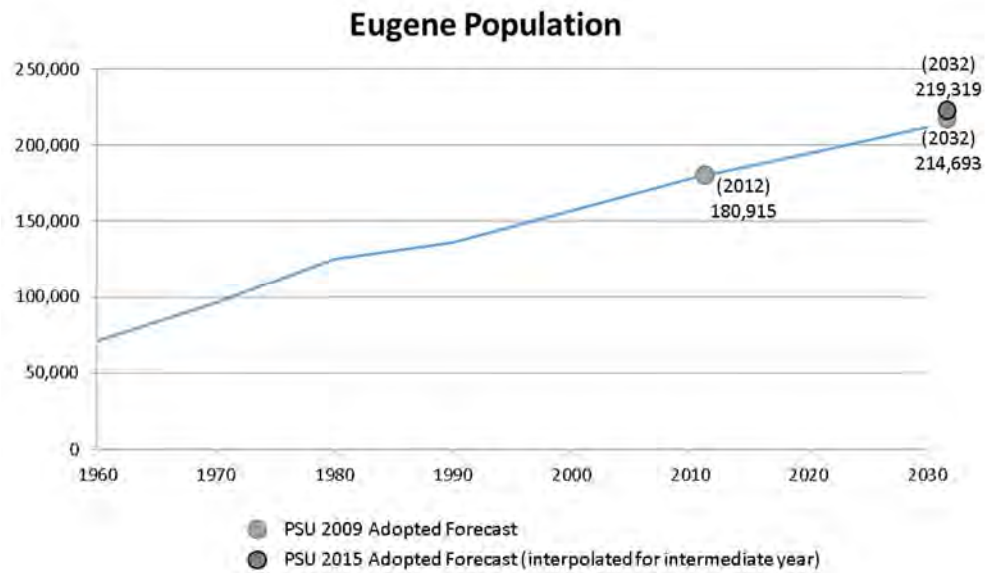
The table below compares the population growth forecast that the shared UGB was originally based on, to the population growth now anticipated for the same area in 2030/2032. The 1982 Metro Plan forecast was for the combined Eugene and Springfield area. The 2009 forecast from Portland State University (PSU) provided separate forecasts for each of the cities, which are combined below to do the comparison.

Source / Year of Forecast	Geography	Forecast Year	Forecasted Population
1982 Metro Plan	Eugene - Springfield	2000	293,700 ←
2009 Adopted PSU forecast	Eugene	2032	214,693
	Springfield	2030	81,608
	Eugene-Springfield		296,301 ←

The table above shows that the population number used in both the past and present planning efforts is essentially the same. The two cities actually had a significant surplus of residential land since the population estimates were so inaccurately high. Over this time, Eugene's surplus has decreased, but is not depleted.

In addition, Eugene took land use "efficiency measure" actions to fit more homes inside the current UGB, including re-designating land to Low Density Residential, a proposed increase of the minimum density in R-2 Medium Density Residential zones from 10 to 13 homes per net acre, and incentivizing more high density housing downtown. The combination of this inaccurate initial population forecast and efficiency measures has resulted in a UGB that does not require additional residential land, even 35 years after its initial adoption.

Another concern that has been raised is that the adopted population forecast from 2009 is out of date and does not reflect recent growth data that we should be planning for. Specifically, PSU developed an updated population forecast for Eugene in 2015. The graph below shows both the adopted 2009 forecast of 214,693 in 2032, and an extrapolation of the 2015-2035 forecast, which is estimated to be about 219,319 by 2032.



This represents a difference of about 5,000 more people. Population is one of the key data that will be collected in the growth monitoring program. In addition, PSU will be providing cities with updated population forecasts every 3-4 years, which means Eugene will be back in line for another forecast in 2018-2019 while we are working on urban reserve planning (planning for beyond 20 years of growth).



Date: July 5, 2017

To: Mayor and City Council

From: Emily N. Jerome, Assistant City Attorney

Subject: Residential Land Ordinance -- State Law Requirements and
Response to Home Builders Association ("HBA") Letter dated June 8, 2017

The HBA has made it clear that it intends to challenge the City's adoption of the proposed residential ordinance. The findings attached to that ordinance demonstrate that it is consistent with applicable legal requirements. This memo provides a more direct response to HBA's June 8, 2017, letter. The primary action in the proposed residential ordinance is the adoption of a Eugene-only Residential Land Supply Study. The final Chapter / Part V of the "Residential Land Supply Study" is the City's Buildable Lands Inventory for the 2012-2032 planning period ("BLI"). The BLI includes maps that identify the City's supply of vacant and partially vacant residential land, and tables that show the City's assumptions for the capacity of that land for residential development. See Attachments A (the textual portion of the BLI) and B (one of the 42 area maps that make up the map portion of the BLI) to this memo. The issues raised in HBA's June 8 letter relate to the BLI.

The residential BLI is the product of intense analysis by numerous groups and people from different backgrounds and disciplines, and with different agendas. It has been heavily scrutinized since work on it began, shortly after the 2007 legislature ordered Eugene and Springfield to replace their joint residential BLI with separate BLIs. The entire project and body of work referred to as "ECLA" (Eugene Comprehensive Land Assessment) was devoted to the BLI's initial development, and work on the BLI has continued through analysis by the Technical Resource Group, ECONorthwest, the Eugene Planning Commission, and the Eugene City Council. All along, attention has been paid to the State laws that govern the work.

There are very few provisions of State law that direct the BLI's preparation. All of them are discussed below and all of them are addressed in Eugene's BLI work. As required, the BLI is based on data derived from development that has actually occurred and on reasonable forecasts about where and how additional development will occur. It was clear from the beginning of the work that, for Eugene, it would not be satisfactory to develop a BLI that mechanically addresses only the minimum requirements of State law. As such, Eugene's BLI is the result of an assessment of the City's land supply at a much more detailed level than is required by State law or performed by other cities. To address the desire for extreme accuracy requested by stakeholders along the

way (e.g., the HBA and *1000 Friends of Oregon*), the BLI does not make general assumptions or use “safe harbors” allowed by State law. Instead, Eugene’s BLI is based on more specific assumptions that account for Eugene’s regulations and the location/geography of the land on the BLI. The City provided a process through which stakeholders (with often-opposing interests) civilly engaged in a formal fact-finding and forecasting effort with City staff. This resulted in a BLI that far exceeds legal requirements. For example, the BLI considers residential development data related to land development that occurred under the new land use code adopted in 2001,¹ that reflects a painstaking parcel-by-parcel effort to identify the land that has redevelopment capacity,² and that uses a different assumption for future development capacity of flat land designated for “Low Density Residential” development if the land is above 900’ in elevation versus if the land if it is below 900’ in elevation.³

Still, HBA has submitted testimony that opposes adoption of the proposed BLI. HBA has been clear that it will attempt to hold up approval of the residential BLI as an inducement to City action on code amendments to the City’s “clear and objective” standards for residential development. We believe the BLI is legally sound and that the code amendments sought by HBA are not required for the BLI’s approval. Below is some clarifying background about the requirements of State law and a response to HBA’s arguments.

Legal Requirements for a Residential Buildable Lands Inventory (BLI)⁴

To prepare the BLI, the State statutes require the City to “[1] [i]nventory the supply of buildable lands within the urban growth boundary and [2] determine the housing capacity of the buildable lands.” ORS 197.296(3)(a).

¹ State law would allow the City to use a more generic data set, collected between 2007-2012, with development approved under the old land use code and also concentrated on a period of economic downturn. ORS 197.296(5)(a).

² The Residential Land Supply Study explains: “City staff and the TRG engaged in a parcel-by-parcel review of all larger sub-taxlot pieces that were initially categorized as developed to determine if any of these sites have additional room for development (*i.e.*, partially developed) or if they are fully developed (e.g., buildings, parking areas, infrastructure, developed multi-family open space areas). Several resources were used to complete this analysis including aerial photos, tax assessor information, regional land use codes, and local knowledge. The analysis is much more detailed than the [state law] safe harbor provisions for partially vacant lands and represents a methodology that the TRG felt was more thorough and reasoned than the safe harbor assumptions would have been.” Residential Land Supply Study, Part I, Page 9.

³ While state law requires the City to “consider” the extent that residential development is prohibited or restricted by local regulation and ordinance, it does not require the break-down in capacity assumptions included in Eugene’s BLI.

⁴ The entire body of statutory law that regulates the preparation of Eugene’s BLI is set out in ORS 197.296(3)(a), (4), and (5). The implementing OARs are OAR 660-024-0050 and OAR 660-008-0010. HBA seems to assert that the City is including too much land on its BLI based on HBA’s theories about interplay between these BLI laws and other laws that govern the City’s consideration of residential development applications. As discussed below, City staff, the Department of Land Conservation and Development (“DLCD”), and *1000 Friends of Oregon* disagree with HBA’s theories.

(1) *Inventory the Supply of Buildable Lands*

For residential BLI's the law requires the City to first prepare an inventory of the buildable land within the current urban growth boundary. For purposes of this inventory, State law defines "buildable lands" as follows:

- (A) Vacant lands planned or zoned for residential use;
- (B) Partially vacant lands planned or zoned for residential use;
- (C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and
- (D) Lands that may be used for residential infill or redevelopment.

In preparing the BLI, the City must consider:

- (A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;
- (B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and
- (C) The presence of a single family dwelling or other structure on a lot or parcel.

The City is required to create a map or document that may be used to verify and identify specific vacant and partially vacant parcels that have been determined to be buildable lands. Eugene's BLI includes such a map. See excerpt at Attachment B. With respect to the BLI, State rules provide only that "[t]he local buildable lands inventory must document the amount of buildable land in each residential plan designation." Eugene's BLI does so through Table 1 of its BLI. See Attachment A. The definition of "buildable land" is discussed in Section IV, below.

(2) *Determine the Housing Capacity of that Land*

In addition to identifying the location of buildable residential land, the City must estimate the development capacity of that land (the number of homes that can be reasonable expected to be developed on the land).⁵ In determining the housing capacity of the City's buildable residential land, the law requires the City to again consider:

- (A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;

⁵ This information is then used to determine whether the UGB includes enough land to meet the City's 20-year needs for new housing. State law prohibits the City from expanding its UGB for additional residential development if land inside the UGB is sufficient. Conversely, if the initial capacity assumptions show that the land identified on the BLI is insufficient to meet the City's 20-year need for new housing, State law requires the City to take reasonable measures to increase the development capacity of the land inside the UGB and to re-calculate the supply considering the effects of those measures. If the measures are not enough to meet the City's needs, the City must expand the UGB to add just enough residential land to satisfy the unmet need. ORS 197.296; OAR 660-024-0050. HBA's testimony does not include a challenge to the City's determinations regarding its 20-year need for housing.

- (B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and
- (C) The presence of a single family dwelling or other structure on a lot or parcel.

The City's determination of housing capacity must be based on data relating to land within the UGB including:

- (A) The number, density and average mix of housing types of urban residential development that have actually occurred;
- (B) Trends in density and average mix of housing types of urban residential development;
- (C) Demographic and population trends;
- (D) Economic trends and cycles; and
- (E) The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

Eugene's capacity determinations are based on in-depth analysis that addresses each of these factors. *See ordinance findings.* That analysis began with ECONorthwest and the ECLA process and continued throughout the work of the Community Resource Group and the Technical Resource Group. City staff produced spreadsheets and studies to respond to any and all questions raised. Some of these have been included in the formal record for this action as "technical background" items. This work is described in Part I of the Residential Land Supply Study (documenting the land supply, before all the efficiency measures were taken by the City to increase the supply) and in Part II of the Residential Land Supply Study, at Chapter 4 of the Housing Needs Analysis (pages 117 – 148). Its conclusions are shown on the Tables in Part V of the Residential Lands Supply Study. *See Attachment A.* It is based on development data from the time at which the City began applying the current land use code (2001) through the time the capacity analysis was completed (2012) and accounts for cycles and trends that are likely to make a difference in the way Eugene's housing stock will change.⁶

HBA Issues

HBA's June 8, 2017 letter states that:

"[w]ith respect to housing, Envision Eugene proposes to continue with the same urban growth boundary, the same comprehensive plan, and the same zoning code. Nothing of substance is getting fixed."

⁶ HBA seems to assert that the City is over-estimating its capacity for single family homes on low-density buildable land based on HBA's theories about interplay between the BLI laws discussed above and other laws that govern the City's consideration of residential development applications. City staff, the DLCD and *1000 Friends of Oregon* disagree with HBA's theories. In fact, *1000 Friends of Oregon* has expressed its concern that the capacity Eugene has assigned is too low.

This statement simply is not true. The Envision Eugene project has many components. Some are completed; others are forthcoming. The current action (adoption of a Eugene-only residential BLI) is a watershed moment, enabling future actions. However, it is neither the beginning nor the end of the Envision Eugene project. Previously-executed components of the Envision Eugene project include the City Council's 2014 action to redesignate 211 acres of land in three different locations to increase the City's supply of low density residential housing by 645 units. Details about that Council action and others are described in Part IV of the Residential Land Supply Study.⁷ Future components include code amendments to update the code's "clear and objective" standards for housing development, and actions to reduce permit fees for secondary dwellings. Even if we assume that HBA's reference to "Envision Eugene" is intended to refer only to the current action, HBA overlooks the fact that the ordinance before you also includes a code amendment to increase the minimum density required in the R-2 zone that, over the 20-year planning period, is expected to result in an additional 614 medium density dwellings.

HBA's June 8, 2017 letter makes numerous arguments organized into six sections (I-VI). Each of those sections is addressed below to correlate with HBA's organization.

I. *An Update of Metro Plan Diagram is Not Required for Adoption of Residential BLI*

In Section I of its June 8, 2017 letter, HBA argues that the City needs to update the Metro Plan Diagram to make it a parcel-specific depiction of the land in the UGB, with Metro Plan designations that clearly follow the parcel lines. This is generally referred to as a "parcel-specific" Metro Plan Diagram. While City staff agrees with HBA that the Metro Plan Diagram should be updated in such a way (and includes this work on its work plan), City staff do not agree with HBA that such an update is necessary before the City can lawfully adopt the BLI.

The Metro Plan diagram is a State-acknowledged paper map. It was created by the Lane Council of Governments for the Cities of Eugene and Springfield and Lane County at a time when parcel-specificity was impossible (or at least prohibitively impractical, given the scale and the area covered). Even so, for the vast majority of parcels in Eugene, there is no ambiguity on the Metro Plan Diagram. Most parcels on the Metro Plan Diagram fall within a clearly identified Plan designation, *i.e.*, most parcels do not border on more than one Plan designation. In addition, over the time since the Metro Plan diagram was adopted, area-specific or site-specific actions taken by the Cities and County have made designations on the Metro Plan Diagram clear. Many parcels have been subject to parcel-specific redesignations, or are shown with more specificity on a refinement plan map. By its own terms, the Metro Plan Diagram is "parcel-specific" for these parcels. *See* Metro Plan excerpt, Attachment C. It is true, however, that the small scale and lack of parcel lines on the Metro Plan Diagram make designations unclear for some parcels. The specific example identified by HBA relates to a parcel that includes two different land use designations on the Metro Plan Diagram (Residential and Parks/Open Space). The developer of the land and the neighbors do not agree as to where the dividing line is located on the parcel.

⁷ As part of Envision Eugene, the City has made numerous code and plan amendments to make it easier to develop housing in the downtown area and adopted and applied the new Downtown Riverfront Special Area Zone to increase the City's supply of high-density housing.

Consistent with State law, the City staff relied on the best evidence available to make such determinations. HBA does not point to any land on the BLI that it believes has been incorrectly mapped.

As part of a later phase of the Envision Eugene project, the City intends to update Eugene's side of the Metro Plan diagram to a GIS format that will make it completely parcel-specific. That Eugene-only diagram will then be adopted into the Envision Eugene Comprehensive Plan, and removed from the Metro Plan. However, that task is not necessary to establish the Eugene-only UGB and, therefore, it has not been included as part of the action now before the City Council and Lane County.⁸ For purposes of the action now before the City and County, the BLI was prepared based on the best evidence available – the Metro Plan diagram, parcel-specific redesignations, and refinement plans. The BLI was prepared using technology that did not exist when the Metro Plan Diagram was created, and it includes parcel lines. HBA's June 8, 2017 letter asserts that "[N]o part of the Envision Eugene package explains that all land in the residential BLI is plan designated residential." In fact, the residential BLI includes a map made up for 42 separate tiles to show each area of the City at a reasonable scale, with parcel lines and different colors that identify land designated Low Density Residential, Medium Density Residential, or High Density Residential. (The maps also indicate whether the land is classified as "vacant," "partially vacant," "developed," or "committed.") See, for example, BLI Map: Residential Land Supply (2012-2032) Map tile 15 of 42 at Attachment B. While it is true that the BLI is not a legal substitute for the Metro Plan Diagram, when it is adopted, the BLI will be a useful City interpretation of the residential designations on the Metro Plan Diagram.

HBA does not cite to any law that requires the City to adopt a new, parcel-specific Metro Plan Diagram as part of the actions being taken. The BLI is the required map for the proposed actions. To the extent that the lack of specificity on the Metro Plan diagram is an obstacle for developers of housing in Eugene, the proposed actions improve the situation by providing a City interpretation of the Metro Plan diagram's residential designations (the BLI). In addition, the acknowledgment of the Eugene-only BLI will allow the City to take the next steps in the Envision Eugene process, which will include numerous actions to address the issues raised by HBA.

- II. *An update to Eugene Code standards to better address State laws pertaining to the review of housing developments is not required for the adoption of the proposed residential BLI.*
- III. *An update to Eugene Code procedures to better address State laws pertaining to the review of housing developments is not required for the adoption of the proposed residential BLI.*

Background / "Needed Housing" Law and Eugene's Program

The City accepts that, in Eugene, all housing proposals are "needed housing" proposals, whether the proposal is for a new luxury hillside mansion or for an above-garage conversion

⁸ Incidentally, the City of Springfield and Lane County also chose to adopt Springfield's UGB before making Springfield's side of the Metro Plan diagram parcel-specific.

apartment on an infill lot. Therefore, although the relevant laws use the term “needed housing,” that term has no utility for purposes of the discussion that follows. The City agrees with HBA’s assertion that the Eugene Code must include “clear and objective” standards and procedures that will allow residential development on the land included on the residential BLI. Further, those standards and procedures must not “have the effect, in themselves or cumulatively, of discouraging residential development through unreasonable cost or delay.” ORS 197.307(4). In fact, the City of Eugene was one of the first, and remains one of the few, jurisdictions to adopt code provisions specifically intended to comply with this State law.

The “needed housing” law (ORS 197.307) provides:

- (4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land described in subsection (3) of this section. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. * * *
- (6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:
 - (a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;
 - (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
 - (c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

OAR 660-008-0015 includes the same text.

It is clear that, under the State law, there are two permissible ways for the City to review housing developments. First, Eugene’s land use code must include clear and objective standards for housing development applications. These clear and objective standards provide developers with a predictable, but necessarily rigid, way to develop a residential use. What a developer may give up in terms of individualized accommodations may be worth its avoidance of the uncertainty of a discretionary review. A developer can be assured that, so long as it designs its development in a way that meets these standards, its development application will be approved. While these “clear and objective” approval standards must be written to address the safety and livability issues that may arise on a wide-range of potential development sites, they cannot be so onerous that that

they have the effect of discouraging the development of housing through unreasonable cost or delay.

Second, Eugene's land use code may include, as an "optional alternative" to the clear and objective standards, more flexible standards for the development of housing. This option may be useful to a developer that does not wish to design to the City's clear and objective standards. This alternative allows the developer to design a housing development and then demonstrate how the proposal meets more subjective standards given the individual circumstances of the particular site or the nature of the design. It is absolutely true that, on some sites, the density that can be achieved is higher using the optional alternative discretionary standards than the densities that can be achieved under the inflexible, clear and objective standards. State law explicitly allows this to be the case. It requires that the alternative criteria "must authorize residential densities that are the same as, or higher than, the densities that are authorized under the clear and objective path." ORS 197.307(6)(c); OAR 660-008-0015(2)(c). This is discussed more thoroughly under Section IV, below.

In some cases, especially for infill and redevelopment projects, the development of housing occurs on a lot-by-lot basis through building permits. The Eugene Code includes clear and objective development standards for building permits to allow the many types of housing developments that are "outright permitted" in residential zones.

Since 2001, the Eugene Code has also included distinct sets of standards for the clear and objective review of larger housing developments through separate "needed housing" standards for:

- conditional use permits (EC 9.8100);
- partitions (EC 9.8220);
- planned unit developments (EC 9.8325);
- site reviews (9.8445); and
- subdivisions (EC 9.8520).

When these new standards were adopted by Eugene, they were subjected to a thorough review by the Land Use Board of Appeals ("LUBA") due to an appeal by the HBA. LUBA's review resulted in City Council revisions. The revised clear and objective provisions were then acknowledged by the State for their consistency with Statewide Planning Goal 10. Since then, many of the City's standards have been examined and upheld by LUBA in development-specific challenges. In some cases, LUBA has found that a City standard did not pass the "clear and objective test" and are no longer applied to housing applications that apply under the clear and objective code provisions.

Although most of Eugene provisions intended to meet the State law have been scrutinized and upheld by the State, the City recognizes that they should be periodically reviewed and updated. Meeting the requirements of State law does not necessarily mean that all of the standards are working well at a more practical level. HBA's concerns are not being ignored. The kinds of issues that HBA identifies in its letters to the City Council have caused the City Council to make it a

priority to review and consider updates to Eugene Code standards and procedures to better address State laws pertaining to the review of housing developments. Specifically, the City Council passed a motion that initiated a project to:

- Update the City’s procedures and approval criteria for needed housing applications (applications to develop housing in areas identified for housing in the City’s BLI and HNA).
- Target for City consideration of proposed updates within one year of State’s acknowledgement of the baseline UGB.

Discussion / Response to HBA

A code improvement process to ensure that it is in full compliance with ORS 197.307(4) is not a legal prerequisite to the City’s adoption of its residential BLI. Even if a City’s housing standards indisputably violates the “clear and objective / unreasonable cost or delay” law, such a violation would not constitute a violation of the laws that pertain to adopting a BLI, as HBA seems to allege. State statutes, Goals, and rules do not connect the BLIs to the “clear and objective” laws in such a way.

HBA does not (and cannot) identify any legal basis for asserting that the City is required to revise its housing standards in order to adopt its BLI. In fact, other Oregon cities that have *not even attempted to adopt clear and objective standards into their codes* have received State approval of new BLIs and/or UGB amendments. DLCD, the State agency that administers the relevant laws and writes the rules to implement them, has been clear that the code revisions are not required for its approval of a BLI. When Springfield was preparing to adopt its residential BLI, HBA argued that DLCD should require Springfield to revise its land use code to include clear and objective standards as part of the BLI’s adoption. In an e-mail from Bill Kloos to DLCD staff (*see* Attachment D to this memo), Bill Kloos asserts: “the city [of Springfield] does not have clear and objective standards for needed housing as required by the Needed Housing Statute, Goal 10 and the Goal 10 Rule. This planning effort is the time to get this problem fixed.” Mr. Kloos asks DLCD to “get involved” in making Springfield update its code. Gloria Gardner (DLCD’s Urban Planning Specialist) provides a thorough and well-reasoned response, including the basic conclusion:

“I haven’t undertaken a comprehensive review of Springfield’s and Eugene’s development regulations for needed housing, so I can’t say whether they are currently clear and objective, or whether they may have the effect of discouraging needed housing through cost or delay. Assuming just for the sake of argument that these cities are out of compliance, I don’t think that this is the time for DLCD or LCDC to require Eugene and Springfield to undertake development code audits and revisions. Complying with ORS 197.304 requires coordinated population forecasts, buildable land inventories, housing needs analyses, residential land needs analyses, residential UGB capacity analyses, and the establishment of two separate UGBs. The department sees no compelling reason that review and potential revision of

these cities' housing development regulations can't wait until these other complex, time-consuming, expensive, and controversial long-range planning activities, which have a statutory deadline, have been completed. The department also does not wish to substitute its judgment for the cities' judgment about what long-range planning activities they can afford to undertake and in what order they undertake them (except in the case of periodic review)."

In addressing Mr. Kloos' response that challenges her authority to make this determination, Ms. Gardiner informs Mr. Kloos that DLCD has:

"an in-house team that has been working on Springfield and Eugene ORS 197.304 and related issues since the bill passed the Legislature [in 2007]. This team includes the regional representative, the Goal 12 specialist, the Goal 9 specialist, the Goal 10, 11 & 14 specialist (me), and two managers. It is my opinion that there is no legal basis for keeping land out of a city's BLI until they revise their housing development standards, and I didn't receive any negative feedback from the other team members on my response." (See Attachment D to this memo).

Ultimately, Springfield's BLI adoption did *not* include code amendments to address State laws requiring "clear and objective" standards for housing. Lane County approved Springfield's residential BLI and the DLCD Director "acknowledged" it for its consistency with Statewide Planning Goal 10. (Additional issues addressed in this e-mail exchange between the HBA and DLCD are addressed under IV, below.)

When the City of Eugene takes action to update its housing criteria to better ensure that they are clear and objective and do not result in unreasonable cost or delay, the City will need to address the arguments made by HBA in Sections II and III of its June 8, 2017 memo. At this point, only a few comments are warranted.

- Some of HBA's arguments are moot, as they refer to a code section that has already been revised by the City (EC 9.8430(3)) or that the City does not actually apply in a "clear and objective" review process (EC 9.8325(6)(c)). Other arguments ignore State law and/or leave out important facts in describing the alleged problems with the City's clear and objective standards.
- The law does not require the City to ensure that *a specific development configuration* which could be approved under the City's discretionary standards must also be approvable under the City's clear and objective standards. If a developer seeks approval based on the clear and objective standards, the developer must propose a development that complies with those necessarily inflexible standards. The City agrees that a residential development must be possible under clear and objective standards, but it may require a different development proposal, perhaps with a configuration that results in densities that are lower than those that could be approved under discretionary standards. See ORS 197.307(6)(c); See also

LCDC final order in the City of Corvallis enforcement proceedings, dated March 21, 2017, at pages 16-17. This is discussed in more detail under IV, below.

IV. *The BLI's assumptions about the future development capacity of residential land with slopes between 25% - 30% are based on verified data. All land that has future capacity for residential development during the planning period must be included on the BLI.*

In Section IV of its June 8, 2017 memo, HBA takes particular issue with the BLI's inclusion of land with slopes of between 25% - 30%. HBA asserts that the City should treat this land as having no development capacity because the OAR 660-008-005(2) definition of "buildable land" states:

"Land is *generally* considered 'suitable and available' unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- (c) *Has slopes of 25 percent or greater;*
- (d) Is within the 100-year flood plain; or
- (e) Cannot be provided with public facilities."

(emphasis added).

HBA's argument, however, ignores the word "*generally*" and LUBA's interpretation of this definition. OAR 660-008-0005(2) contains a presumption that land with slopes exceeding 25% is not "buildable land," but it is not a directive that requires every city to exclude all land with that characteristic.⁹ The City of Eugene cannot simply exclude all land above 25% based on this rule's definition, when the presumption in the rule has been rebutted by substantial evidence in the record. Since the work of the ECLA group in 2008/2009, it has been undeniable that land with slopes of up to (and arguably above) 30% is regularly developed for housing in Eugene. Therefore, in Eugene, having slopes of 25% or greater does not render land unbuildable for residential use. As explained above, the BLI must include the land that has capacity for residential development over the planning period.

HBA is incorrect in its asserting (Section IV of its June 8, 2017 memo) that the City has no empirical basis for its assumption that land between 25% and 30% slope is developable. The development capacity of land up to 30% slopes is addressed in a study that was conducted in 2008/2009 of the density of residential developments in Eugene between 2001 and 2008. The results of this study were provided through the ECLA process, have been included in the record,

⁹ See *Rogue Valley Association of Realtors v. City Of Ashland*, 35 Or LUBA 139 (1998) (BLI included land up to 40% slope); and *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 211 (2010) ("The rule contains a presumption that land is 'buildable land' unless it possesses one or more of the characteristics listed in the rule, in which case the city may exclude it from the definition of buildable land.").

and are attached to this memo as Attachment E. The study demonstrates that, between 2001 and 2008, 92 dwelling units (address points) were established on Eugene land with slopes between 25% and 30%.¹⁰ In a “white paper” produced and publicized in March 2015, the City provided a user-friendly explanation of its capacity assumptions after a course-correction that pertained to an earlier error in net/gross acre measurements. As part of that material, the City included a list of subdivisions that were approved in the South Hills region of the City (where steep slopes prevail). The list is limited to the 16 subdivisions approved between 2001 and 2014 that were subject to the current land use code (adopted in 2001) and are within the boundaries of the South Hills Study. These subdivisions averaged 2.5 dwellings per acre, the density assumption used in the City’s BLI. See Attachment F to this memo.¹¹

Throughout the City’s residential BLI process, HBA has asserted that the City must completely exclude from its BLI any land that would be off-limits for residential development under one of the City’s clear and objective standards (even if such land is regularly developed under other another set of clear and objective standards or under the City’s optional discretionary approval standards). Specifically, HBA has directed its arguments at development limitations in the City’s clear and objective standards for Planned Unit Developments proposed in the high-elevation and sloped areas in Eugene’s south hills. In its June 8, 2017 letter, HBA argues that, so long as the code includes a standard that requires a 30-foot landscape buffer around the perimeter of Planned Unit Developments using the clear and objective track, the City “needs to calculate the BLI without the buffer acreage on land subject to Planned [Unit] Development.” HBA June 8, 2017 letter, page 10. HBA makes a similar argument with respect to land with 20% or steeper slopes (so long as the code’s “clear and objective” Planned Unit Development standards prohibit grading on slopes that meet or exceed 20%, the City needs to calculate the BLI without land having slopes that meet or exceed 20%.) See HBA June 8, 2017 letter, page 13. HBA ignores the fact that these areas can be (and often are) developed with housing under the City’s discretionary standards.

While State statutes (and the City’s code provisions) protect housing developers from the City’s imposition of discretionary standards without the developer’s agreement, they also allow a developer to pursue development under discretionary standards if the developer chooses that alternative path. As discussed above, the City of Eugene offers several optional discretionary approval paths for housing developments in addition to clear and objective paths for the development of housing. Many Eugene developers opt into the alternative discretionary process, and the City of Eugene has a verified track record of approving *a lot* of housing through the alternative discretionary process. In many cases, the developer chooses to use a discretionary approval path instead of a “clear and objective” path because, under it, the City can be more

¹⁰ Although the study shows that these 92 housing units were established on 23 acres at an average density of 3.9 units per net acre, the BLI makes a lower capacity assumption for land between 25-30% slopes over the 2012-2032 planning period. Further, this study shows that, in the same 2001-2008 time period, 32 dwelling units were established on Eugene land with slopes exceeding 30% at a density average of 5.2 units per net acre. For reasons not addressed in this memo, however, the BLI assumes no capacity on land that exceeds 30% slope. If the HBA challenges the City’s BLI at the State level, such assumptions may be challenged by other parties or DLCD staff.

¹¹ Recently, in response to a request for BLI data from the HBA, the City provided the HBA with calculations regarding land on the 2012-2032 BLI between 25% and 30% slopes. See Attachment I to this memo.

flexible in its review of a proposed development. This is especially valuable for developments on a site that is more challenging to develop, such as a site that includes protected natural resources areas or steep slopes.

In attempting to devise a “one-size-fits-all” / “bright-line” nondiscretionary development standard to safeguard against the dangers of development on unstable soils, the City of Eugene included in its “needed housing” standards for subdivisions and planned unit development, a prohibition on grading portions of a development site with slopes that meet or exceed 20%. Although LUBA has agreed that the 20% standard is consistent with the “clear and objective” law, HBA believes it is too restrictive. (As discussed above, the City will be considering a change to this and other standards in an upcoming review of its clear and objective standards.)

Under the discretionary path for a subdivision or Planned Unit Development, a developer may employ a unique, context-driven design to address a particular site’s development challenges in a way that would not meet the clear and objective “bright-line” standard. In a discretionary process, the City can determine that an engineer’s site-specific street design provides a *safe and efficient* road through a development site with difficult geography, or that a landscape architect’s use of a site’s unique natural features provides a sufficient buffer for *neighborhood compatibility*. Such subjective evaluations are necessarily excluded from a review under the clear and objective path, where “safe” and “compatible” are too subjective to be used as approval standards. There is no question that context-driven designs can be used to increase the number of homes that could otherwise be put on a site. This is specifically contemplated by the law requiring “clear and objective” standards. *See* ORS 197.296(6)(c) (authorizing an alternative, discretionary, approval process so long as the discretionary criteria “authorize a density *at or above* the density level authorized in the zone under the [clear and objective] approved process.”) Contrary to HBA’s assertions, the City’s BLI cannot ignore this fact or the resulting housing that is developed when developers choose to proceed under the alternative discretionary standards.

From the time HBA began to argue that land above 20% slopes must be excluded from the City’s BLI in 2008/2009, City staff (including the City’s attorneys) researched HBA’s assertion to determine its credibility. The result of that research was, and continues to be, that the methodology used for the City’s BLI is consistent with needed housing laws. The law and rules that apply to adoption of Eugene’s BLI do not allow the City to exclude vacant, residentially-zoned land from its BLI when such land has a demonstrated track record of developing with single family homes, and continues to be developed in such a way. *See* ORS 197.296; Statewide Planning Goal 10; OAR 660-008-0010; and OAR 660-024-0050. In fact, the law clearly *requires* the City to include such developable areas in its BLI, but in a way that takes into account any regulatory constraints on the land. To the extent that HBA believes the City’s clear and objective standards are “regulatory constraints” on development in the City’s South Hills, the City’s method for determining the number of homes it expects to develop in the South Hills takes into account the regulatory constraints; the City’s clear and objective standards have been in the code since 2001 (and many before that time). Based on development that has actually occurred under that land use code, the sloped areas and areas above 900’ in elevation are assumed to have a lower development capacity than other land.

HBA and/or Bill Kloos has made the clear and objective / BLI argument in challenges to a number of other projects in Eugene and in other jurisdictions. In each case, the argument has been unsuccessful. DLCD has been clear in its rejection of HBA's assertions. On behalf of DLCD, its Urban Planning Specialist unequivocally rejected Kloos' argument in an e-mail dated March 23, 2010, when HBA made its argument as part of its opposition to Springfield's residential UGB determination. Addressing an e-mail from Kloos, DLCD's Urban Planning Specialist stated: "I don't agree that [quoting Kloos] 'lands that are not developable under clear and objective standards need to be identified, debited from the BLI, and the deficit made up by adding more land to the UGB that can be developed consistent with state law.'" She explained that "[r]emoval of suitable residential land from a BLI would be *inconsistent* with state law, specifically Goals 2, 10, and 14 and related statutes and rules."

See Attachment D to this memo.

In 2012, HBA requested a formal response to its issue from DLCD. See Attachment G to this memo. In 2013, the Director of DLCD issued the Department's formal response to HBA's issue in a letter to HBA. Director Jim Rue stated:

"We read your letter to contend that, because Eugene's code does not permit development on slopes of greater than 20 percent using clear and objective standards, all such lands must be removed from the 20-year inventory of buildable residential land in the city's current BLI update. Our inquiry found that the city has, in its draft work product, adjusted the amount of residential development it is calculating will be built in the area to account for unbuildable areas such as steep slopes. This is equivalent to netting out the steep slopes from the buildable lands inventory as you suggest."

The Director concluded that the method "is an acceptable way to prepare a BLI." A copy of Director Rue's January 28, 2013, letter is attached as Attachment H to this memo.

V. *The amendments to the Public Facilities and Services Plan, TransPlan and the adoption of the 2035 Local Transportation System Plan demonstrate that the land on the BLI can be served during the 2012-2032 planning period.*

The City's preparation of the BLI included substantial work by City engineering staff, transportation staff, and staff from the Eugene Water and Electric Board. Their determinations are that the land on the residential BLI can be served during the planning period, with the facilities already planned in and/or proposed to be added to the Public Facilities and Services Plan (PFSP) and the TransPlan/2035 Transportation System Plan. The amendments to the PFSP are included in Exhibits C-1 and C-2 of the employment, park, and school land ordinance that establishes the Eugene-only UGB.¹² The adoption of that ordinance is proposed to take place immediately before

¹² See attachment J to this letter.

adoption of the residential land ordinance. With the adoption of that ordinance, the City will be adding facilities that will serve both employment and residential land. The City's adoption of the new Eugene 2035 Local Transportation System Plan was carefully coordinated with the City's work on the residential, employment, park and school land ordinances. The transportation plan was adopted earlier this month and its modeling and resulting project lists are based on the population growth anticipated by the land ordinances. Additional information about the review for water and wastewater is provided in the record as "Evidentiary/Technical Support Items for Residential" (June 2017 Supplemental), items A.4 (transportation), B.6 (wastewater), and B.7 (water). As development occurs, additional localized facilities will also be required but those are generally provided by the developer at the time of development.

VI. *The City and County are making all necessary amendments to the housing element of the Metro Plan.*

HBA argues the County and City "should" add a policy to the Metro Plan, but cites to no legal requirement that such a policy be included in the Metro Plan. The City's ordinance includes only, and all, necessary comprehensive plan amendments to adopt the Eugene-only residential BLI.

Conclusion

HBA's testimony does not provide a legal basis for making changes to the actions proposed in the residential ordinance, specifically the adoption of the Residential Buildable Land Inventory (2012-2032).

Attachments:

- A – Text from Residential Buildable Lands Inventory (2012-2032)
- B – BLI Map: Residential Land Supply (2012-2032) Map tile 15 of 42
- C – Excerpt from Eugene Springfield Metropolitan Area General Plan (Metro Plan Diagram)
- D – E-mail exchange between attorney for HBA and DLCD Urban Planning Specialist
- E – Study of density of residential developments in Eugene between 2001 and 2008, by slope
- F – Envision Eugene White Paper: Residential Land Supply & Capacity, March 2015
- G – Letter from HBA Executive Director to DLCD Director, September 27, 2012
- H – Letter from DLCD Director to HBA Executive Director, January 28, 2013
- I – E-mail exchange between attorney for HBA and Eugene Senior Planner
- J – Public Facility Plan Amendments

Part V. Residential Buildable Lands Inventory (2012-2032)

Part V includes the following section, table and figures:

Table 1. Vacant Residential Land, Eugene 2012-2032

Table 2. Vacant Acres or Lots of Residential Land by Category of Land, Eugene 2012-2032

Table 3. Partially Vacant Acres or Lots of Residential Land Category of Land, Eugene 2012-2032

Table 4. Residential Land, Baseline Redevelopment, Eugene 2012-2032

Table 5. Residential Capacity Method and Category of Land for Vacant and Partially Vacant Land, Eugene 2012-2032

Table 6. Residential Capacity Assumption and Category of Land for Vacant and Partially Vacant Land, Eugene 2012-2032

Table 7. Additional Residential Land Supply from Efficiency Measures and Pipeline Development, Eugene 2012-2032

Figure 1. Residential Lands Supply (2012-2032)

Figure 2. Residential Lands Supply (2012-2032) (tiles 1 through 10)

1. Final 2012-2032 Residential Buildable Lands Inventory

This final Part of the Residential Land Supply Study provides the 20-year Residential Buildable Lands Inventory (BLI) for Eugene. The BLI incorporates the changes made to the 2012 land supply by the Part IV Measures to Increase Residential Development.

As previously shown in Table 5 of Part IV, the addition of capacity from actions the City took to increase residential inside the UGB results in the following:

- The demand for Low Density Residential land is met. The measures create a small surplus of about 47 acres of Low Density Residential land.
- The demand for Medium Density Residential land is met.
- The demand for High Density Residential land is met.

The final BLI and acreage Tables 1-3 in this Part V reflect the changes in plan designations described in Part IV of this study (e.g. Crow Road area, Irving Road site, Gilham Road site). These changes are shown in the final 2032 Residential Buildable Lands Inventory maps, Figures 1 and 2.

Table 1. Vacant Residential Land, Eugene 2012-2032

Plan Designation	Gross Acres
High Density Res Mixed Use	1
High Density Residential	43
Low Density Residential	1,396
Medium Density Residential	161
Medium Density Res Mixed Use	0.7

As explained in the Housing Needs Analysis (HNA, Part II of this Study), there are three methods used to estimate residential development capacity of vacant and partially land. Two of the methods utilize the number of acres in the land supply and one utilizes the number of lots in the supply. Tables 2 and 3 show the vacant and partially vacant acres and lots for residential land, based on the size, slope and elevation factors that are used to, later, determine the residential capacity assumed for the land.

Table 2. Vacant Acres or Lots of Residential Land by Category of Land, Eugene 2012-2032

Slope	Low Density Residential				Medium Density Residential		High Density Residential	
	< 900'		> 900'		All Elevations		All Elevations	
	<5%	≥5%	<5%	≥5%	<5%	≥5%	<5%	≥5%
< 1 acre	177 ac	768 lots	5 lots	115 lots	23 ac	4 ac	6 ac	.4 ac
1-5 acre	120 ac	192 ac	0 ac	49 ac	40 ac	5 ac	6 ac	0
5+ acre	168 ac	418 ac	8 ac	123 ac	65 ac	12 ac	32 ac	0

Table 3. Partially Vacant Acres¹ or Lots of Residential Land by Category of Land, Eugene 2012-2032

Slope	Low Density Residential				Medium Density Residential		High Density Residential	
	< 900'		> 900'		All Elevations		All Elevations	
	<5%	≥5%	<5%	≥5%	<5%	≥5%	<5%	≥5%
< 1 acre*	n/a	n/a	n/a	n/a	16.1 ac	.3 ac	n/a	n/a
1-5 acre	258.7 ac	255.1 ac	2 ac	35 lots	23.2 ac	2.1 ac	0 ac	0
5+ acre	312.2 ac	170.4 ac	0 ac	10 ac	34.9 ac	21.6 ac	25.8 ac	0

* In parcels < 1 acre in LDR and HDR, this analysis applies to vacant land only. In parcels < 1 acre in MDR, this analysis applies to vacant land and partially vacant parcels 0.5 - < 1 acres.

¹ As noted in section 4.1.3 of Part II, HNA, the BLI estimates of partially vacant land include entire sites, including the portions of the sites that are already developed. To determine the capacity of partially vacant land, the BLI acreage totals were adjusted, with a deduction for existing development on each site. A review of development on the partially vacant LDR lots identified a reasonable deduction for existing houses or structures on the lot as .33 ac on lots less than five percent slope, and .5 ac on lots with slopes of five percent or greater. Review of existing development on the MDR and HDR partially vacant lots identified a reasonable deduction for existing structures, parking, and open space on the lot as either .25 acre, .5 acre, or the approximate amount of the actual existing development if the existing development is over 1 acre. These adjusted acreage totals are reflected in Table 3.

As documented in the HNA (Part II of this Study)², the City identified some additional development capacity to accommodate some housing on residential land that has existing development.

Table 4. Residential Land, Baseline Redevelopment³, Eugene 2012-2032

Plan Designation	Dwellings	Gross Acres ⁴
Low density residential- new lots baseline	627	157
Low density residential- SDU baseline	168	42
Medium Density Residential	220	21
High Density Residential	240	11
Commercial (HDR dwellings in Com)	256	12

As documented in Part I and Part II, the following capacity methods and densities shown in Tables 5 and 6 are used to estimate capacity on residential lands:

Table 5. Residential Capacity Method and Category of Land for Vacant and Partially Vacant Land, Eugene 2012-2032

Slope	Low Density Residential				Medium Density Residential				High Density Residential			
	< 900'		> 900'		< 900'		> 900'		< 900'		> 900'	
	<5%	≥5%	<5%	≥5%	<5%	≥5%	<5%	≥5%	<5%	≥5%	<5%	≥5%
< 1 acre*	1	3	3	3	1	1	1	1	1	1	1	1
1-5 acre	1	2	2	2 (V) 3 (PV)	1	1	1	1	1	1	1	1
5+ acre	1	2	2	2	1	1	1	1	1	1	1	1

*In parcels < 1 acre in LDR and HDR, this analysis applies to vacant land only. In parcels < 1 acre in MDR, this analysis applies to vacant land < 1 acre and partially vacant parcels 0.5 - < 1 acres. See Part II, Section 4, of this Study for information about capacity methods 1, 2 and 3.

² See HNA section 4.2 for more information.

³ Baseline redevelopment is the natural amount of redevelopment expected to occur without additional actions taken by the City to encourage it, as opposed to redevelopment that is stimulated by City actions (e.g. because of enacting measures that increase residential development). Table 4 shows the amount of baseline redevelopment potential on residential land. See also Table 7 for additional capacity created through efficiency measures.

⁴ Derived from City-wide density averages identified in the Table 67 of the HNA, Part II of this Study; 4 dwellings per acre in Low Density Residential, 10.7 dwellings per acre in Medium Density Residential, and 21.5 dwellings per acre in High Density Residential.

Table 6. Residential Capacity Assumption and Category of Land for Vacant and Partially Vacant Land, Eugene 2012-2032

Slope	Low Density Residential				Medium Density Residential		High Density Residential	
	< 900'		> 900'		All Elevations		All Elevations	
	<5%	≥5%	<5%	≥5%	<5%	≥5%	<5%	≥5%
< 1 acre	5.2	1 per lot	1 per lot	1 per lot	13.4	12.5	32.6	32.6
1-5 acre	4.6	2.5	2.5	2.5 (V) 1 per lot (PV)	11.5	10.7	24.8	24.8
5+ acre	4	2.5	2.5	2.5	10.7	10	21.5	21.5

Dwellings per gross acres of land, or number of dwellings per lot.

(V) means the capacity assumption applies to vacant land only in this land category.

(PV) means the capacity assumption applies to partially vacant land only in this land category.

As documented in Part IV of this Study, additional capacity was identified as a result of actions the City has taken to accommodate more homes inside the UGB:

Table 7. Additional Residential Land Supply from Efficiency Measures* and Pipeline Development, in gross acres, Eugene 2012-2032

Plan Designation	Gross Acres
Low Density Residential	
Permit fee reductions for secondary dwelling units	21
Lost capacity from interim protection measures	2
Medium Density Residential	
R-2 zone code amendments	53
Affordable housing landbank program	5
High Density Residential	
High density residential downtown	47
Post-2012 development/investment on High Density Residential land	15
Post-2012 development/investment on Commercial land	29

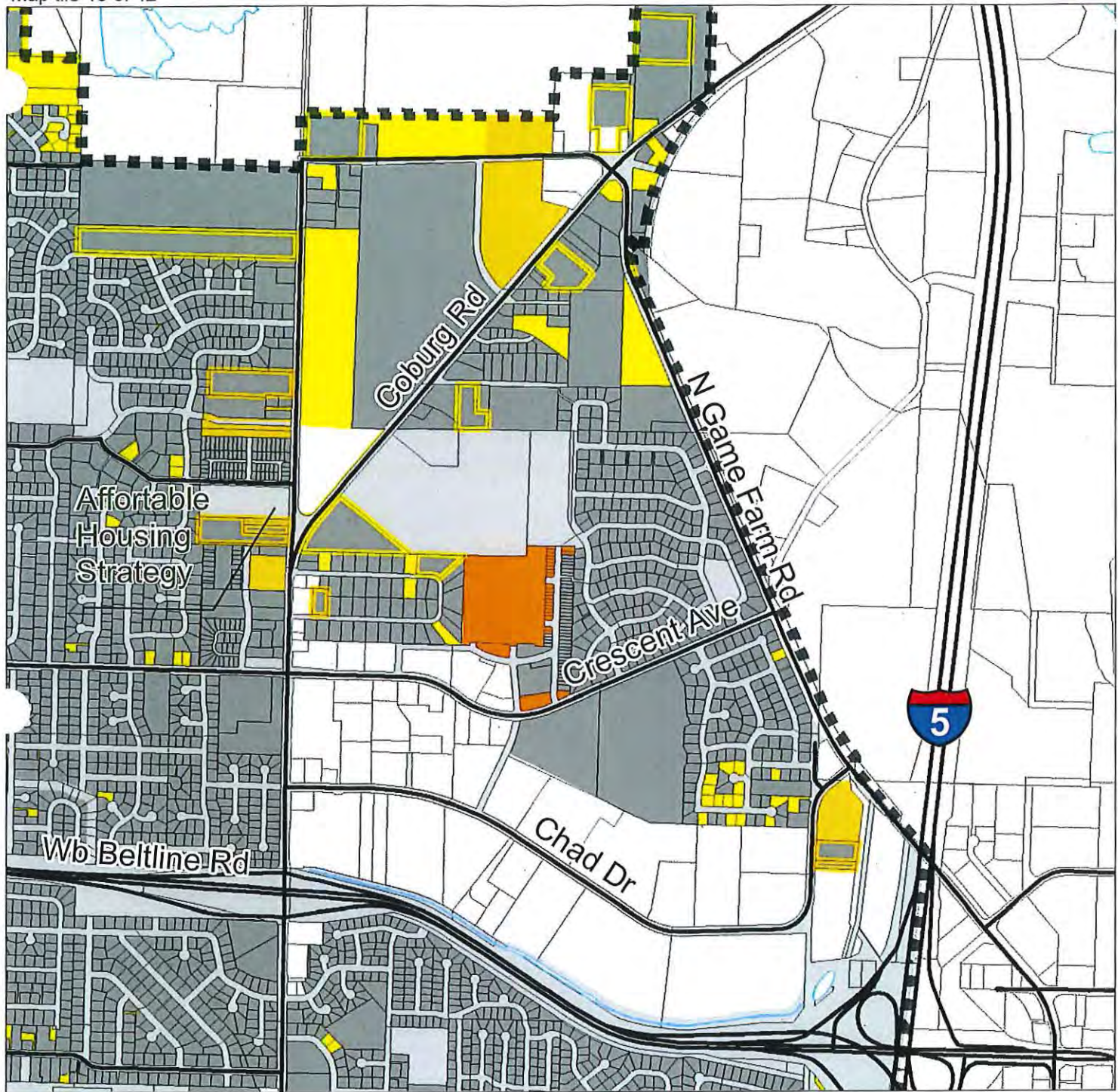
*Excludes land supply gained from re-designations. These gains are represented in Tables 1-3.

In summary, taken together, the vacant and partially vacant supply included in Figures 1 and 2 and Tables 1-3 with the capacity methods and density assumptions provided in Table 5 and 6, and the estimates for redevelopment and additional residential capacity provided in Tables 4 and 7, constitute Eugene's 2012-2032 Residential Buildable Land Inventory (BLI).

Figure 2. Residential Land Supply (2012-2032)

Map tile 15 of 42

ATTACHMENT B



- Eugene Urban Growth Boundary
- 2012 BLI Lots
- Major Streets
- ... UGB Expansion Boundary
- Water Bodies
- + Rail Road

0 0.25 0.5 Miles
May 2017

Plan Designations

Partially Vacant (PV) Residential Lands

- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)

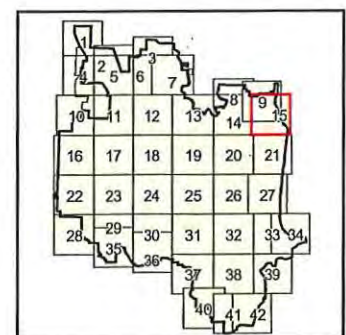
Vacant Residential Lands

- Low Density Residential
- Medium Density Residential
- High Density Residential

- Developed Residential Lands
- Committed or Protected Lands (in UGB)

Sites re-designated to low density residential are noted.

- Caution: This map is subject to change and for used within the scope of the May 2017 Draft Review. This map is not suitable for legal, engineering, or surveying purposes.
- Data Sources: City of Eugene, RLID.
- The land supply was conducted at a sub-tax lot level analysis; tax lot boundaries are shown for reference only and may change over time.
- For assumed capacity of land shown on the land supply, see Table 6 of Part V.



G. *Metro Plan* Diagram

The *Metro Plan* Diagram is a generalized map and graphic expression of the goals, objectives, and recommendations expressed in the applicable provisions of the *Metro Plan* and city-specific plans. Rather than an accurate representation of actual size and shape, the arrangement of existing and, to an even greater degree, projected land uses illustrated on the *Metro Plan* Diagram, is based on the various elements and principles embodied in the *Metro Plan* and city-specific plans. Likewise, statements in this section that prescribe specific courses of action regarding the community's future should be regarded as policies.

Projections indicated a population of approximately 286,000 was expected to reside in the metropolitan area around the year 2015. The allocation of living, working, and recreational areas and supporting public facilities that were shown on the *Metro Plan* Diagram when the 2004 *Metro Plan* Update was conducted and on the Public Facilities Maps in Appendix A generally responded to that metro-wide projection. After Springfield and Eugene have (pursuant to ORS 197.304 (2007)) established their separate city-specific UGBs and designated land supplies for their new 20-year planning horizons, the *Metro Plan* Diagram will be bifurcated. The area shown east of Interstate 5 will represent the land use needs and supporting facilities necessary to serve Springfield's future population. The area shown west of Interstate 5 within the UGB will represent the land use needs and supporting facilities necessary to serve Eugene's future population. Until both cities, with co-adoption by Lane County, have taken action to establish their independent UGBs and land supplies, the *Metro Plan* Diagram will serve different purposes for the two cities.⁸

Finally, the *Metro Plan* Diagram is drawn at a metropolitan scale, necessitating supplementary planning on a local level. The original *Metro Plan* Diagram adopted in the 1982 *Metro Plan* and subsequently amended was not tax lot-specific, although exception areas were site specific, with exact designation boundaries shown in supporting working papers. The use of the Regional Land Information Database (RLID) data for long-range planning studies led to the decision to base the *Metro Plan* Diagram on RLID data, as described below. The *Metro Plan* Diagram and text provide the overall framework within which more detailed planning occurs on the local level.

In practice, the *Metro Plan* amendment process described in Chapter IV will ensure that issues of metropolitan significance are addressed cooperatively by all three jurisdictions.

Major Influences

The *Metro Plan* Diagram reflects the influence of many sources. Particularly noteworthy are the following:

1. The Land Conservation and Development Commission's (LCDC) Statewide Planning Goals, as published in April 1977, and subsequently amended.

⁸ As part of the adoption of the City of Springfield's city-specific UGB (through Springfield Ordinance No. 6268 and Lane County Ordinance No. PA 1274 in 2011, the *Metro Plan* Diagram was amended so that the area west of Interstate 5 is no longer included in Springfield's UGB.

2. The *1990 Plan*, predecessor of the Metro Plan; particularly the concept of compact urban growth.
3. Adopted neighborhood refinement and city-specific plans.
4. Adopted special purpose and functional plans.
5. Information generated through preparation of working papers (1978 and 1981) used in the early updates. Those papers are on file in the planning departments of Eugene, Springfield, and Lane County, as well as the Lane Council of Governments (LCOG). Their most significant provisions are contained in the *Technical Supplement* of the *Metro Plan*, printed and available under separate cover. Subjects examined include public services and facilities; environmental assets and constraints, including agricultural land, the economy, housing, and residential land use, and energy, all in terms of existing conditions and projected demand.

Land Use Designations

Land use designations shown in the *Metro Plan* Diagram are depicted at a metropolitan scale. Used with the text and local plans and policies, they provide direction for decisions pertaining to appropriate reuse (redevelopment), urbanization of vacant parcels, and additional use of underdeveloped parcels. Since its initial adoption in 1982, the Metro Plan Diagram designations have been transitioning to a parcel-specific diagram. As part of this transition, the boundaries of Plan designation areas within a UGB are determined on a case-by-case basis, where no parcel-specific designation has been adopted.

Certain land uses are not individually of metropolitan-wide significance in terms of size or location because of their special nature or limited extent. Therefore, it is not advisable to account for most of them on the *Metro Plan* Diagram. The Diagram's depiction of land use designations is not intended to invalidate local zoning or land uses which are not sufficiently intensive or large enough to be included on the Metro Plan Diagram.

The Plan designation of parcels in the Metro Plan Diagram is parcel-specific in the following cases:

1. Parcels shown on the Metro Plan Diagram within a clearly identified Plan designation, i.e., parcels that do not border more than one Plan designation;
2. Lands outside the UGB within the Metro Plan boundary;⁹
3. Parcels with parcel-specific designations adopted through the Plan amendment process;
4. Parcels shown on a parcel-specific refinement plan map that has been adopted as an amendment to the Metro Plan Diagram.

⁹ As a result of actions taken by all three jurisdictions in 2013, there are no lands outside the UGB within the *Metro Plan* boundary on the east side of Interstate 5. Lane County Ordinance No. PA 1281 (June, 2013); Springfield Ordinance No. 6288 (March, 2013), Eugene Ordinance No. 20511 (May, 2013).

There is a need for continued evaluation and evolution to a parcel-specific diagram. The Metro Plan designation descriptions below, Metro Plan policies, adopted buildable lands inventory analyses, refinement plans, and local codes provide guidance to local jurisdictions in determining the appropriate Plan designation of parcels that border more than one Plan designation.

From: Gardiner, Gloria [<mailto:gloria.gardiner@state.or.us>]
Sent: Wednesday, April 07, 2010 9:02 AM
To: Bill Kloos
Cc: Cortright, Bob; Nichols, Darren; Ed Moore; Hallyburton, Rob
Subject: RE: Springfield Refinement Plan; HB 3337; Goal 10 compliance; Clear and Objective Standards

Hello, Bill. Thanks for your e-mail.

We have an in-house team that has been working on Springfield and Eugene ORS 197.304 and related issues since the bill passed the Legislature. This team includes the regional representative, the Goal 12 specialist, the Goal 9 specialist, the Goal 10, 11 & 14 specialist (me), and two managers. It is my opinion that there is no legal basis for keeping land out of a city's BLI until they revise their housing development standards, and I didn't receive any negative feedback from the other team members on my response. It looks to me like you don't accept my response as the department's position. Department protocol would not take this issue to Director Whitman, but you are welcome to ask my manager, Rob Hallyburton, and Ed Moore's manager, Darren Nichols, to bring this issue before the department's Policy Team.

Gloria Gardiner, J.D.
 Urban Planning Specialist

From: Bill Kloos [<mailto:billkloos@landuseoregon.com>]
Sent: Wednesday, April 07, 2010 5:58 AM
To: Gloria Gardiner ('gloria.gardiner@state.or.us')
Cc: Laura Potter (laura@hbalanecounty.org); alj25@earthlink.net; Emily Newton Jerome (Emily.N.Jerome@ci.eugene.or.us); Jon Chandler (jchandler@oregonhba.com); Ed Moore (ed.w.moore@state.or.us)
Subject: Springfield Refinement Plan; HB 3337; Goal 10 compliance; Clear and Objective Standards

Gloria:

Thanks for your response below.

The Home Builders needs to take this issue to the next level in the department. Would that be the Director? I would like to the Department onboard with this issue now, to get the city into compliance with the clear and objective standards part of Goal 10, and avoid having this issue be in the larger 2011 litigation that is brewing now. There will be enough contentious issues in 2011; this should not be among them; the rules have been plain for 30 years.

The DLCD's epistles to the city during the 3337 process correctly advise that all relevant planning goals apply. The corollary is that all relevant parts of all relevant goals apply. Yet your email below states a willingness to give Springfield a bye in this process from the requirement that needed housing be developable under clear and objective standards.

Having the right to develop needed housing under clear and objective standards is an essential half of Goal 10. Goal 10 has both a **quantity** and a **quality** aspect. The **quantity** aspect requires a 20-year supply. The **quality** aspect requires clear and objective standards. It does not help housing developers to have a robust 20-year residential BLI if a city has the right to say "no" to successive applications under discretionary standards.

Much of your response takes apart a straw person not present in my email to you. I did not argue that land in the BLI that is not developable under clear and objective standards may not be developed at all. I argued that it may not be counted toward the requirements for a 20-year

supply; that could result in the city having to look elsewhere to make up the difference. My point is to ensure that all land in the BLI is developable under clear and objective standards, as the statute, goal and rule require. Residential land that is not developable under clear and objective standards needs to be surplus to the 20-year supply.

Your response also suggests the city has a lot on its plate right now, and it should not have to do the extra planning work needed to come into compliance with this part of Goal 10. The reality is the city can come into compliance with the clear and objective standards requirement with as much or as little planning effort that it wants to commit. The Home Builders letter to the city suggested language that could be grafted into the plan and code to do the job:

Add to the Residential Land Use and Housing Element of the Springfield Refinement Plan the following policy language:

"Consistent with the Needed Housing Statute, Goal 10, and the Goal 10 rule, persons developing needed housing on land in the 20-year buildable land inventory are entitled to city decisions that apply only standards, conditions, and procedures that are clear and objective and that do not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. ORS 197.307(6); OAR 660-08-015. The city may have an alternative approval process based on standards that are not clear and objective, provided applicants retain the option of proceeding under either process. ORS 197.307(3)(d). The city's implementing regulations shall be drafted, interpreted and applied in a fashion that implements this right."

In the zoning code and other implementing regulations, add language that implements these rights:

"Notwithstanding any other provisions of this zoning code or other implementing regulations, development applications for needed housing on land in the 20-year buildable land inventory shall be reviewed under standards, conditions, and procedures that are clear and objective, and that do not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. Standards that are not clear and objective shall not be applied unless and applicant affirmatively elects processing under such standards."

The suggested language above comes right out of the statute, goal and rule and would do the job. It would be a simple, effective safety net ensuring compliance. If the city wants to put more planning effort into the fix, it could, of course. But the language above is a simple, free solution, courtesy of the Home Builders, and one the DLCD should be anxious to support.

I completely agree that the second prong mentioned in your response is important – weeding out regulations that have the effect, alone or cumulatively, of discouraging needed housing through cost or delay. By focusing on clear and objective standards I do not mean to diminish the importance of the second prong. I am just suggesting a simple fix for one thing that is broken.

Again, thank you for your response. What is the next stop for me at the DLCD, if any, before I work my way up to the Director and the Commission? Thank you for your guidance.

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From: "Gardiner, Gloria" <gloria.gardiner@state.or.us>
Date: March 23, 2010 4:24:31 PM PDT
To: Bill Kloos <billkloos@landuseoregon.com>
Cc: "Nichols, Darren" <darren.nichols@state.or.us>, Ed Moore <ed.w.moore@state.or.us>, "Laura Potter (laura@hbalanecounty.org)" <laura@hbalanecounty.org>, "Hallyburton, Rob" <rob.hallyburton@state.or.us>
Subject: RE: Springfield Refinement Plan; HB 3337; Goal 10 compliance

Hello, Bill. Thanks for your e-mail. Last Wednesday, Thursday and Friday I was in Bend for the LCDC meeting.

Ed Moore previously sent me a copy of the Homebuilders' testimony on Springfield's Refinement Plan, and I reviewed it then. I re-read section 2 as you requested.

ORS 197.307(3)(b), (3)(d) & (6) and OAR 660-008-0015 have a 2-pronged requirement: Local approval standards, special conditions, and procedures regulating the development of needed housing (1) must be clear and objective, **and** (2) may not have the effect, alone or cumulatively, of discouraging needed housing through cost or delay. Both "prongs" are essential. For example, it is possible for standards or criteria to be clear and objective but still have the effect of discouraging needed housing. I note that the Homebuilders' testimony mentioned only the first requirement -- clear and objective.

I haven't undertaken a comprehensive review of Springfield's and Eugene's development regulations for needed housing, so I can't say whether they are currently clear and objective, or whether they may have the effect of discouraging needed housing through cost or delay. Assuming just for the sake of argument that these cities are out of compliance, I don't think that this is the time for DLCD or LCDC to require Eugene and Springfield to undertake development code audits and revisions. Complying with ORS 197.304 requires coordinated population forecasts, buildable land inventories, housing needs analyses, residential land needs analyses, residential UGB capacity analyses, and the establishment of two separate UGBs. The department sees no compelling reason that review and potential revision of these cities' housing development regulations can't wait until these other complex, time-consuming, expensive, and controversial long-range planning activities, which have a statutory deadline, have been completed. The department also does not wish to substitute its judgment for the cities' judgment about what long-range planning activities they can afford to undertake and in what order they undertake them (except in the case of periodic review).

I don't agree that "lands that are not developable under clear and objective standards need to be identified, debited from the BLI, and the deficit made up by adding more land to the UGB that can be developed consistent with state law" (Testimony, p. 2). As LUBA and the Court of Appeals stated in *Rogue Valley Association of Realtors v. City of Ashland* (1998), "needed housing" is all housing identified as needed in a city's housing needs projection. For most Oregon cities, all of their housing is "needed housing." Following the Homebuilders' logic, if Springfield or Eugene's housing development standards aren't clear and objective, then the city must prohibit development on all residential land within its current UGB and must add land to its UGB to meet all of its 20-year residential land needs, while a large amount of suitable residential land within the current UGB will sit vacant or under-developed. This is not *required* by state law – there is no specified penalty in statute or LCDC rules for failure to comply with the needed housing requirements. Removal of suitable residential land from a BLI would be *inconsistent* with state law, specifically Goals 2, 10 and 14 and related statutes and rules. I assume it would also raise takings issues for the landowners. An illogic to the Homebuilders' argument arises in 2 ways. First, unless and until local regulations were revised, residential land added to the UGB would be as undevelopable as residential land inside the current UGB. Second, if and when the regulations were revised, there would no longer be a justification for prohibiting development of the residential land within the UGB, and the land added would have to be removed because it would exceed the city's need.

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From: Bill Kloos [<mailto:billkloos@landuseoregon.com>]
Sent: Wednesday, March 17, 2010 3:24 PM
To: Gloria Gardiner ('gloria.gardiner@state.or.us')
Cc: Ed Moore (ed.w.moore@state.or.us); Laura Potter (laura@hbalanecounty.org); Bill Kloos
Subject: Springfield Refinement Plan; HB 3337; Goal 10 compliance

Gloria:

Springfield is working on a buildable lands inventory and a city-wide refinement plan, in its effort to come into compliance with HB 3337. I have made an appearance on behalf of the Home Builders Association, in its continuing effort to get Eugene and Springfield into compliance with Goal 10. I filed the attached letter in the Planning Commission public hearings in February, and copied several folks at the DLCD.

Please see point 2 in my letter, at pages 2 to 6. The point the HBA is making here is that the city does not have clear and objective standards for needed housing, as required by the Needed Housing Statute, Goal 10, and the Goal 10 Rule. This planning effort is the time to get this problem fixed. This is a very basic shortcoming. The DLCD has provided a small mountain of comments on the current planning process, but it has been silent on this issue. I am flagging this issue for you in hopes of getting some explicit support from the DLCD in its continuing review of the planning effort.

I think the DLCD should be on this issue with both hands. I am committed to pressing this issue with the department; Ed Moore suggested you are the appropriate starting point. Can we expect a bit of help from the DLCD?

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Please do not read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication may contain confidential and/or privileged information intended only for the addressee. If you have received this e-mail in error, please call immediately at 541-343-8596. Also, please notify me by e-mail. Thank you.

B.1. Density by Plan Designation and Slope, 2001-2008

ATTACHMENT E

Density of residential development in residential plan designations, Eugene UGB, 2001-2008

Plan Designation	% Slope					Total / Average
	0-5	5-15	15-25	25-30	30+	
Number of Dwelling Units						
Low Density Residential	3,426	368	303	92	32	4,221
Medium Density Residential	1,146	82	-	-	-	1,228
High Density Residential	916	20	-	-	-	936
Acres Developed (net acres)						
Low Density Residential	605	97	87	23	6	819
Medium Density Residential	113	8	-	-	-	122
High Density Residential	32	0.4	-	-	-	32
Density (Du/net acres)						
Low Density Residential	5.7	3.8	3.5	3.9	5.2	5.2
Medium Density Residential	10.1	10.1	-	-	-	10.1
High Density Residential	28.8	48.9	-	-	-	29.1
5488.0						6385.0 0.859514

Density Analysis, 2001-2008
Plan Designation by slope

Plan Designation	% Slope					Average	0-5	5-30	1+ (exclude	Avg
	0-5	5-15	15-25	25-30	30+					
Low Density Residential	5.7	3.8	3.5	3.9	NA	5.2	5.7	3.7	NA	5.2
Medium Density Residential	10.1	10.1	No data	No data	NA	10.1	10.1	10.1	NA	10.1
High Density Residential	28.8	Insufficient data	No data	No data	NA	29.1	28.8	48.9	NA	29.1
High Density Res Mixed Use	5.8	No data	No data	No data	NA	5.8	5.8	NA	NA	5.8
Medium Density Residential Mixed Use	12.0	No data	No data	No data	NA	12.0	12.0	NA	NA	12.0
Mixed Use	7.2	No data	No data	No data	NA	7.2	7.2	NA	NA	7.2

Note: Very few DU in Mixed Use PDs

Plan Designation	0-5	5-15	15-25	25-35	35+	Sum Of Total Of Acres
High Density Res Mixed Us	0.171752					0.171752
High Density Residential	31.80354	0.408746547				32.21228
Low Density Residential	605.1548	96.76319665	87.31325	23.335	6.190029	818.7563
Medium Density Res Mixed	1.581151					1.581151
Medium Density Residential	113.4592	8.131640649				121.5908
Mixed Use	0.694408					0.694408

Plan Designation	0-5	5-15	15-25	25-35	35+	Sum Of Count Of OBJECTID
High Density Res Mixed Us	1					1
High Density Residential	916	20				936
Low Density Residential	3426	368	303	92	32	4221
Medium Density Res Mixed	19					19
Medium Density Residential	1146	82				1228
Mixed Use	5					5
	5513	470	303	92	32	6410

Envision Eugene

Residential Land Supply & Capacity

March, 2015

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 - C. Recommended Residential Land Density Assumption Table

1. Background

State law requires cities to prepare a Buildable Lands Inventory (BLI). A city's BLI identifies the supply of buildable lands within that city's UGB. Cities are also required to prepare a "housing needs analysis." A city's housing needs analysis estimates the number of new homes its population will need over a 20-year planning period and informs the projected number of homes that can be accommodated on the city's buildable lands under that city's land use code. By comparing the capacity of the BLI's capacity to the needs analysis, the city can determine whether it has enough land to accommodate its needs.

The land supply and capacity analysis is complex, reflecting not only the different characteristics of the supply but also responding to the challenge of trying to estimate the amount of development that is going to occur on the remaining land supply in the future. As a result, the land supply and capacity analysis has gone through several iterations beginning with a comprehensive review of the land supply and capacity analysis during the 2010 Eugene Comprehensive Lands Assessment through the Envision Eugene technical review and analysis that resulted in the December 2014 urban growth boundary expansion recommendation. After the December 2014 recommendation, new information was received regarding the following concerns about the single-family (Low Density Residential or LDR land) capacity analysis:

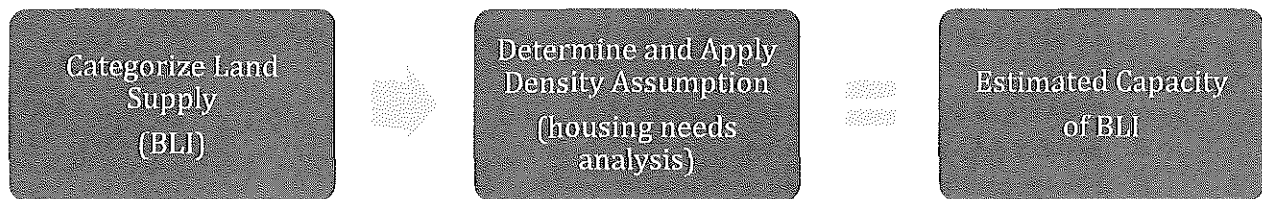
- that the capacity assumption on sloped land was misapplied and should have been applied to a larger base of land,
- that based on recent development more capacity should be assumed on land above 900 feet elevation, and
- that based on the number of small lots in the supply more capacity should be assumed by using the number of lots rather than by applying an average density to the aggregate acres.

In response to these concerns, staff and the Technical Resource Group (TRG) vetted the issues raised. The TRG reviewed how the capacity assumption on sloped land was misapplied, agreed that the sloped capacity assumption was misapplied, and vetted the results of the correction. The TRG also analyzed development patterns above 900 feet elevation and reviewed the lot sizes and acres of the small lot portion of the land supply. As a result of this analysis, the TRG considered and analyzed a range of density assumption options for sloped land. Their analysis helped form the now recommended revisions to the residential land supply and capacity analysis.

The following summarizes key components of the buildable land supply, the recommended residential capacity methodology, and corresponding changes to the capacity estimates.

2. Land Supply & Capacity Analysis Overview

The general steps used for determining the supply and capacity of vacant and partially vacant (larger lots with some room for development) land are as follows:



Categorize Land Supply (BLI)

The first step in the land supply and analysis is to prepare the city's BLI. This begins with categorizing the land in the urban growth boundary as either vacant or developed. Then, if applicable, the lands are further categorized as protected (subject to natural resource protections or have slopes greater than 30%) or committed (such as in public ownership).

Next, the portion of the land supply potentially available for development (vacant and partially vacant land) is further divided up by the following characteristics:

- *Plan Designation:* This is based on the land use designation of the site from the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) land use diagram. For residential, the categories are Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR).
- *Site Size:* The site size classes are less than 1 acre, 1 to 5 acres or 5 or more acres.
- *Slope:* The categories are "flat" land of less than 5% slope or "sloped" land of at/above 5% slope) land.
- *Elevation:* The categories are below or above 900 feet in elevation.

One of the components reviewed by the TRG regarding the issues raised was above was a new rerun of the residential portion of the buildable lands supply. In order to correct the misapplication of the density assumption, the land supply was rerun to identify the additional acres that were inadvertently left out of the land supply. In rerunning the supply analysis for this revised analysis, a GIS error was found that about 49 net acres of LDR flat land (vacant and partially vacant) and 11 acres of Medium Density Residential (MDR) vacant land had been double counted¹. That also has now been corrected. As a result of the GIS correction, the capacity of low density residential (LDR) flat land was reduced by -182 dwellings and the capacity of medium density residential land (MDR) was reduced by -118 dwellings. This increased the amount of multi-family land needed to be accommodated by redevelopment investments from 1,464 to 1,582 dwellings.

¹ The main error was a data abnormality that caused some very small sliver portions of land that are not tax lots to be double-counted. These lands are not buildable lands with potential capacity. In addition, a small error of 2 acres was identified where 2 ac of the supply had been manually deducted from the supply twice instead of only once. The result of these corrections is a net decrease in vacant acres of 49 in LDR and 11 in MDR.

Determine and Apply Density Assumption (Housing Needs Analysis)

The next steps in the land supply and capacity analysis are to determine a density assumption (the number of housing units per unit of land) and to apply the assumption to the applicable land supply. In the analysis, three types of density assumption applications are used, as shown in Table 1.

The density assumptions were derived from different methods reflecting the differences in the type of land in the supply as well as the different regulations that impact development. The assumptions are applied depending on the land supply's size, slope and elevation, and in some cases, depending on if the land is vacant and partially vacant. The density assumptions applied in each case are provided in *Recommended Residential Land Density Assumption Table* [link document here]. No changes are proposed to the densities used in the analysis, but rather the methodology in which they are applied. This is because the concerns raised are not with the density assumptions themselves but rather which categories of land they apply to. Table 1 on the following page describes how the density assumption was derived and applied for each category of land, and any revisions or changes based on the recent re-run of the analysis.



Table 1 Key Changes In Low Density Residential Land Capacity Analysis

Land Category	Original Capacity Assumptions	Change & Rationale	Result
LDR “flat land” below 900 feet in elevation all lot sizes & All MDR and HDR land	<p><i>Method:</i> An average number of dwelling units is assumed per <u>buildable</u> acre of land</p> <p><i>Description:</i> Where this method is used, the land supply consists of the vacant or partially vacant land that is not otherwise protected or above 30% slope. It is the buildable² portion of the land supply.</p> <p>The density assumption, which is derived from calculating the average number of residential lots and their acres that developed between 2001 and 2012 (which is the development look-back period for Envision Eugene), is then applied to only the <u>buildable</u> acres of land.</p>	<p><i>Method:</i> No change proposed.</p> <p><i>Rationale:</i> Based on additional analysis of the method and lots used for developing the flat land density assumption, staff and TRG confirmed that it is correct to apply this density assumption to only the buildable acres where this density assumption is used and no changes to the capacity analysis are needed.</p>	No change.
LDR “sloped land” below 900 feet 1-5 acres 5+ acres	<p><i>Method:</i> An average number of dwelling units is assumed per <u>buildable</u> acres of land</p> <p><i>Description:</i> For this method, the supply was originally, considered to be only the buildable acres of the land supply.</p> <p>The density assumption is based on calculating the average number of buildable lots compared to the total plat acres for all subdivisions in the south hills region approved since</p>	<p><i>Method:</i> An average number of dwelling units is assumed per <u>total</u>³ acres of land.</p> <p><i>Description:</i> For this method, the supply is changed to be the <u>total</u> acres in the land supply, not just the buildable acres.</p> <p>There is no change proposed to how the density assumption is calculated.</p> <p><i>Rationale:</i> Further analysis of how the density</p>	<p>Correcting the misapplication of the capacity analysis on sloped vacant and partially vacant land in this category increased the LDR capacity by +149 acres or +370 dwellings.</p> <p>Correcting the misapplication of the capacity analysis on sloped land also increased the LDR capacity gained through re-designation by +14 dwellings (from 631 to 645 dwellings).</p>

² The buildable portion of the land supply is all the land that remains in the city’s land supply after removing land that is committed, protected, above 30% slope, or fully developed.

³ Total acres means all the acres except committed acres (e.g. buildable, protected, or over 30% slope)

Land Category	Original Capacity Assumptions	Change & Rationale	Result
	<p>the adoption of the 2001 land use code, and was then applied to only the buildable acres in the supply.</p> <p>The purpose of this density assumption method, which was a change from the flat land density method, is to better reflect the physical constraints and regulatory requirements (such as, protected streams and wetlands, tree preservation, topography) common in the south hills region. This is because there are a variety of ways to address natural resources on a development site (such as on both buildable and common area lots), their impact on the overall density of a development might not have been represented accurately through the density method that is derived only from the buildable acres.</p>	<p>assumption was developed found that because the total acres in the subdivision plats were used to determine an average number of buildable lots to assume, the resulting density assumption is an average over the total land supply, not just the buildable land. Therefore, since the density assumption already reflects that there will be some protected or severely sloped land, there is no need to take that type of land out of the supply. Therefore the correct application of this type of density assumption is to apply the average number of dwellings to the total acres in the land supply where this assumption is being applied.</p> <p>This does not mean development is anticipated to occur on the lands that are protected and/or above 30% slope, rather it is simply recognizing that the average density assumption was based on the total acres of a development site, not just on the buildable acres.</p>	
LDR land and...	<p><i>Method:</i> Density was applied either as an average number of dwelling units assumed per buildable acres of land or according to the number of lots in the supply.</p>	<p>Method: Density is applied according to the number of lots in the each of the supply categories where this assumption is applied.</p> <p><i>Rationale:</i> There are three reasons this density assumption is used:</p>	Where the density assumption for vacant and partially vacant land in this category changed to one dwelling per lot, the LDR capacity increased by an additional +516 dwellings
sloped below 900 feet smaller		(proposed change from assuming dwellings per acre to assuming one	

Land Category	Original Capacity Assumptions	Change & Rationale	Result
than 1 acre	<i>Method:</i> Originally, an average number of dwelling units was assumed per buildable acres of land.	dwelling per lot: 1. For the small lot size category (lots less than one acre), further analysis shows that the number of lots in this category is more than the number of estimated capacity when applying an average density to the aggregate acres, and yet presumably most of these lots could develop with a home. However, it is acknowledged that this supply category also includes lots that are unlikely to build; really small "sliver" tax lots (e.g. only hundreds of square feet) as well as larger lots that may have unbuildable configurations or characteristics. Given this analysis, it is reasonable to assume one dwelling per lot for lots meeting a minimum lot size.	Therefore, one dwelling is assumed per vacant or partially vacant lot in this category except, to avoid over counting capacity on potential sliver lots while also recognizing that some larger lots may be unbuildable, the minimum lot size threshold of 4,500 square feet (minimum lot size in R-1 Low Density Residential zone) was used as a proxy for a buildable lot size. No capacity is attributed to lots less than 4,500 square feet or to fully protected/+30% sloped lots.
flat or sloped above 900 feet smaller than 1 acre	<i>Method:</i> Density is applied according to the number of lots.	(no change proposed; continue to assume one dwelling per lot) 2. Policy language in the <i>South Hills Study</i> limits development on vacant land above 901 feet in elevation to one dwelling per existing lot, or more through an approved planned unit development. Further analysis shows that in recent development more than one dwelling per vacant lot is occurring above 900 feet. However, since 1990 only three planned unit developments (PUD) have been approved less than 5	Therefore, one dwelling per vacant lot is assumed for lots in this category except, to avoid over counting capacity on potential sliver lots while also recognizing that some larger lots may be unbuildable, the minimum lot size threshold of 4,500 square feet was used as a proxy for a buildable lot size. No capacity was attributed to lots less than 4,500 square feet or to fully protected/+30% sloped lots.

Land Category	Original Capacity Assumptions	Change & Rationale	Result
		acres in size, likely due in part to the relatively high cost of a PUD. Given this information, it is reasonable to assume that sites less than 1 acre are unlikely to go through a PUD.	
<p>sloped above 900 feet 1-5 acres (partially vacant only)</p>	<p><i>Method:</i> Density is applied according to the number of lots.</p>	<p>(no change proposed for Partially Vacant 1-5 acres; continue to assume one dwelling per lot) 3. The land use code requires PUD approval for any additional housing above 900 feet elevation (except for vacant land which can have 1 house). For medium sized partially vacant lots (1-5 acres), given the historical lack of PUDs on small lots, PUD costs, and that partially vacant lots are already developed with a home, it is reasonable to assume that the smaller partially vacant lots in this category are unlikely to go through a PUD but that the larger lots in this category may.</p>	<p>Therefore, one dwelling per lot is applied to the total number of partially vacant lots in this category, but in this case the resulting capacity represents the average to occur throughout this entire category of land and does not represent an assumption that one dwelling will occur on each lot.</p>

Estimated Capacity of the BLI

The December 2014 recommendation estimated an LDR deficit of just over 530 homes, which resulted in the need for a modest urban growth boundary expansion. The changes described in Table 1 result in a cumulative increase to the LDR capacity of about 720 dwellings. With all other parts of the residential lands capacity analysis not discussed in this memorandum staying the same as in the December 2014 recommendation (e.g. baseline redevelopment, deductions for non-residential uses on residential land), the result is a surplus of LDR capacity for about 188 LDR dwellings.

Concerns have been raised regarding this result. Specifically that the market realities will not result in the densities and capacity assumed for sloped land, in part because the remaining supply is different from what has developed. The remaining supply at any given point will be different than the supply that has developed in the past at least to some degree, making it difficult to estimate future development capacity. Further, the state land use regulations for this type of analysis require that the assumed future densities be based on residential development that has actually occurred. The land capacity analysis has tried to address concerns about the future capacity of sloped land by incorporating more recent development trends and using densities that recognize future challenges with building in the south hills region. Some of these issues more specifically as follows:

- Density assumptions were updated in 2013 to include more recent development and are now based on development from 2001-2012 rather than 2001-2008
- Density assumptions generally respond to the size and slope of the land
- The density method and assumption are different for sloped land compared to flat land to reflect the complexities of developing this type of land (e.g. slopes, natural resources, open space requirements)
- Specific south hills policies were used to inform sloped land densities

Additionally, monitoring development trends, including densities and the land supply will be key as we move forward. Eugene is proposing to establish a monitoring program because while Eugene's new comprehensive growth plan is based on well-founded assumptions about what will happen in the future, not all of the assumptions will be correct and the plan needs to be flexible enough to address changing conditions and needs in the community. The purpose of a monitoring program is to provide the information needed by the community and decision makers to periodically assess the validity of growth planning assumptions and inform the effectiveness of strategies adopted as part of the new comprehensive plan and urban growth boundary (UGB). With this information, decision makers can determine whether the growth plan and/or related implementation activities need to be adjusted

3. Attachments

- A. South Hills Subdivision List (2001-2014)
- B. Density & Land Supply Rationale Matrix
- C. Recommended Residential Land Density Assumption Table

South Hills Region Subdivision List (2001-2014)

This list includes all subdivisions within the South Hills Study boundary that were approved since 2001 through 2014. The exception is that any subdivisions approved during this period but that were following an earlier land use application approval which was approved prior to the 2001 land use code was excluded from inclusion in this analysis. Based on the list below, the total number of buildable lots approved over the total amount of acres in the applicable subdivision plats resulted in an average of 2.5 dwellings per acre (when including all phases of Timberline Hill PUD). This 2.5 density assumption is used for the Low Density Residential land supply categories of:

- Vacant & Partially Vacant "sloped land", below 900 feet, 1-5 acres or 5+ acres
- Vacant "flat land", above 900 feet, 1-5 acres
- Vacant & Partially Vacant "flat land", above 900 feet, 5+ acres
- Vacant "sloped land", above 900 feet, 1-5 acres
- Vacant & Partially Vacant "sloped land", above 900 feet, 5+ acres

Slope land (South Hills) Density Analysis

3/31/10 (date of original analysis)

1/22/15 (date of updates, updates in red italic text)

PLATNAME	DATERECORDED	AC	Lots	DU/Ac	PUD Y/N
AERIE PARK	11/22/2006	19.5	29	1.5	Y
AMAZON HEIGHTS	7/31/2007	1.1	5	4.6	
BROOKSIDE (removed; approved pre-2001 code)					
CHERRY HILL ESTATES (removed; below 500' so not in South Hills Study)					
CREST MEADOWS PUD	4/17/2008	3.7	15	4.1	Y
FOX PINES CLUSTER	6/25/2008	2.4	8	3.4	
HENDRICKS RIDGE	5/10/2005	2.6	13	5.1	
MCKAY SUBDIVISION	4/20/2006	3.3	7	2.1	
MONTECITO PINES	4/15/2005	1.9	8	4.2	
MOON MOUNTAIN	9/17/2007	42.6	102	2.4	Y
PLEASANT VIEW	8/27/2009	0.8	4	5.0	
SPRING KNOLL PUD PH 4	11/3/2006	12.9	29	2.2	Y
SPRINGBROOK	5/4/2009	2.3	7	3.0	
TIMBERLINE HILL PUD PH 1	9/10/2007	17.7	39	2.2	Y
WHITBECK KNOLL	2/25/2004	0.8	4	4.8	
TIMBERLINE HILL P.U.D. PH 2 (added, excludes remainder acreage)	3/2/2012	22.4	55	2.5	Y
Guiteau Plat, 1st Addition (added)	3/13/2007	2.0	6	3.0	
Lorane Cluster Subdivision (added)	6/12/2007	0.6	5	7.8	
ANALYSIS with only the platted Timberline Hill acreage		136.48	336	2.46	
ANALYSIS without platted Timberline Hill		96.42	242.00	2.51	
TIMBERLINE HILL PUD (final PUD approval all phases; total minimum)		99.87	251	2.51	Y
ANALYSIS with entire Timberline Hill final PUD approval		196.29	493	2.51	

Note: Includes all approved final subdivisions that were:

approved between 2001-2014

approved under the 2001 land use code

were not based on another land use application approved under the pre-2001 land use code

were within the south hills study boundary

Density & Land Supply Rationale Matrix for Low Density Residential Land

The first table shows the now recommended density assumptions for LDR sloped land and LDR land above 900 feet elevation (changes shown in red text). The second table is a summary of the rationale for the density assumptions and how they are applied.

Vacant & Partially Vacant Land Supply Capacity Method & Rationale

The assumptions and methods apply to both Vacant & Partially Vacant land except where noted

2.24.15

Recommended

Gross Density Assumptions (calculated assumption)

Lot Size Class	LDR							
	<5% Slope				>5% Slope			
	Acres Below 900'	Lots Below 900'	Acres Above 900'	Lots Above 900'	Acres Below 900'	Lots Below 900'	Acres Above 900'	Lots Above 900'
<1 ac	5.2			1.0		1.0		1.0
1-5 ac	4.6		2.5		2.5		2.5	
5+ ac	4.0		2.5		2.5		2.5	

*Density assumptions of 1 is 1 du/lot.

*Assumptions in red are assumptions that differ from the 10/9/14 Eugene Land Model spreadsheet

Density Assumption Rationale

Flat land (<5% slope) below 900' is not included because the assumptions have not changed.

Lot Size Class	Assumption du (dwelling)	Land	Rationale
>5% Slope Below 900'			
Vacant	<1 Ac	1 du/lot	<p>Number of lots between 4,500 sqft¹ and 1 ac</p> <ul style="list-style-type: none"> - The number of lots in this category is more than the capacity when using the aggregate acres. Presumably most of these lots could develop with a home therefore 1 du/lot is assumed. - To avoid over counting capacity on potential sliver lots and in recognition that some larger lots may not be buildable either, the minimum lot size threshold of 4,500 sqft was used as a proxy for a buildable lot size. - No capacity was attributed to fully protected/+30% lots.

¹ Square feet

	1-5 Ac	2.5 du/ac	buildable plus protected/+30% slope acreage	- The density assumption is based on south hills approved subdivisions from 2001-2014 and is derived from the total acres of the subdivision plat so it is applied to the total acres of land supply.
	5+ Ac	2.5 du/ac	buildable plus protected/+30% slope acreage	- The density assumption is based on south hills approved subdivisions from 2001-2014 and is derived from the total acres of the subdivision plat so it is applied to the total acres of land supply.
Partially Vacant	<1 Ac	n/a	n/a	- Developed lots less than 1 ac are considered part of the redevelopment potential (not partially vacant) and an annual redevelopment rate is applied.
	1-5 Ac	2.5 du/ac	buildable plus protected/+30% slope acreage	- The density assumption is based on south hills approved subdivisions from 2001-2014 and is derived from the total acres of the subdivision plat so it is applied to the total acres of land supply.
	5+ Ac	2.5 du/ac	buildable plus protected/+30% slope acreage	- The density assumption is based on south hills approved subdivisions from 2001-2014 and is derived from the total acres of the subdivision plat so it is applied to the total acres of land supply.
<5% Slope Above 900'				
Vacant	<1 Ac	1 du/lot	number of lots	<ul style="list-style-type: none"> - The South Hills Policy indicates on vacant land above 901' elevation, 1 du per existing lot is allowed or more through a planned unit development. - Since 1990, there have been only three PUDs approved less than 5 acres in size. Given this history and the cost of a PUD, it is reasonable to assume PUDs will not occur on sites less than 1 acre. - To avoid over counting capacity on potential sliver lots and in recognition that some larger lots may not be buildable either, the minimum lot size threshold of 4,500 sqft was used as a proxy for a buildable lot size. - No capacity was attributed to fully protected/+30% lots.

	1-5 Ac	2.5 du/ac	buildable plus protected/+30% slope acreage	<ul style="list-style-type: none"> - The density assumption is based on south hills approved subdivisions from 2001-2014 and is derived from the total acres of the subdivision plat so it is applied to the total acres of land supply. - Recent platting above 900' elevation shows more than 1 du/lot occurring above 900' therefore the 2.5 du/ac applied to sloped areas below 900' is also applied here.
	5+ Ac	2.5 du/ac	buildable plus protected/+30% slope acreage	<ul style="list-style-type: none"> - The density assumption is based on south hills approved subdivisions from 2001-2014 and is derived from the total acres of the subdivision plat so it is applied to the total acres of land supply. - Recent platting above 900' elevation shows more than 1 du/lot occurring above 900' therefore the 2.5 du/ac applied to sloped areas below 900' is also applied here.
Partially Vacant	<1 Ac	n/a		<ul style="list-style-type: none"> - Developed lots less than 1 ac are considered part of the redevelopment potential (not partially vacant) and an annual redevelopment rate is applied.
	1-5 Ac	1 du/lot	number of lots	<ul style="list-style-type: none"> - The PUD applicability criteria require a PUD for any additional housing above 900' elevation (except for vacant land which can have 1 house). - Since 1990, there have been only three PUDs approved less than 5 acres in size. - Given this history and PUD costs, it is unlikely the smaller lots in this category will go through a PUD but that the larger lots in this category will. - 1 du/lot represents the average to occur throughout this entire category of land given PUD history and costs, and does not represent an assumption that 1 du will occur on each lot.
	5+ Ac	2.5 du/ac	buildable plus protected/+30% slope acreage	<ul style="list-style-type: none"> - The density assumption is based on south hills approved subdivisions from 2001-2014 and is derived from the total acres of the subdivision plat so it is applied to the total acres of land supply. - Recent platting above 900' elevation shows more than 1 du/lot occurring above

				900' therefore the 2.5 du/ac applied to sloped areas below 900' is also applied here.
>5% Slope Above 900'				
Vacant	<1 Ac	1 du/lot	number of lots between 4,500 sqft and 1 ac	<ul style="list-style-type: none"> - The South Hills Policy indicates on vacant land above 901' elevation, 1 du per existing lot is allowed or more through a planned unit development. - Since 1990, there have been only three PUDs approved less than 5 acres in size. - Additionally, the number of lots in this category is more than the capacity when using the aggregate acres. Presumably most of these lots could develop with a home. - Given the PUD history and cost, the allowance for one dwelling and that the lots are already in tax lots, 1 du/lot is assumed. - To avoid over counting capacity on potential sliver lots and in recognition that some larger lots may not be buildable either, the minimum lot size threshold of 4,500 sqft was used as a proxy for a buildable lot size. - No capacity was attributed to fully protected/+30% lots.
	1-5 Ac	2.5 du/ac	buildable plus protected/+30% slope acreage	<ul style="list-style-type: none"> - The density assumption is based on south hills approved subdivisions from 2001-2014 and is derived from the total acres of the subdivision plat so it is applied to the total acres of land supply. - Recent platting above 900' elevation shows more than 1 du/lot occurring above 900' therefore the 2.5 du/ac applied to sloped areas below 900' is also applied here.

	5+ Ac	2.5 du/ac	buildable plus protected/+30% slope acreage	<ul style="list-style-type: none"> - The density assumption is based on south hills approved subdivisions from 2001-2014 and is derived from the total acres of the subdivision plat so it is applied to the total acres of land supply. - Recent platting above 900' elevation shows more than 1 du/lot occurring above 900' therefore the 2.5 du/ac applied to sloped areas below 900' is also applied here.
Partially Vacant	<1 Ac	n/a	n/a	<ul style="list-style-type: none"> - Developed lots less than 1 ac are considered part of the redevelopment potential (not partially vacant) and an annual redevelopment rate is applied.
	1-5 Ac	1 du/lot	number of lots	<ul style="list-style-type: none"> - The PUD applicability criteria require a PUD for any additional housing above 900' elevation (except for vacant land which can have 1 house). - Since 1990, there have been only three PUDs approved less than 5 acres in size and PUDs are expensive. - While it is unlikely the smaller lots in this category will go through a PUD, the larger lots in this category may. - 1 du/lot represents the average, not an assumption that 1 du will occur on each lot.
	5+ Ac	2.5 du/ac	buildable plus protected/+30% slope acreage	<ul style="list-style-type: none"> - The density assumption is based on south hills approved subdivisions from 2001-2014 and is derived from the total acres of the subdivision plat so it is applied to the total acres of land supply. - Recent platting above 900' elevation shows more than 1 du/lot occurring above 900' therefore the 2.5 du/ac applied to sloped areas below 900' is also applied here.

Recommended Residential Land Density Assumption Table

The following tables show how the recommended density assumptions have changed (shown in red) from the density assumptions used in the December 2014 Urban Growth Boundary Recommendation.

Recommended changes to assumptions (shown in red):

Gross Density Assumptions (calculated assumption)

Plan Designation	LDR								MDR/HDR	
	<5% Slope				>5% Slope				Acres	
	Acres Below 900'	Lots Below 900'	Acres Above 900'	Lots Above 900'	Acres Below 900'	Lots Below 900'	Acres Above 900'	Lots Above 900'	<5%	5% to 30%
<1 ac										
Low Density Residential	5.2			1.0		1.0		1.0	NA	NA
Medium Density Residential	NA	NA	NA	NA	NA	NA	NA	NA	13.4	12.5
High Density Residential	NA	NA	NA	NA	NA	NA	NA	NA	32.6	32.6
1-5 ac										
Low Density Residential	4.6		2.5		2.5		2.5		NA	NA
Medium Density Residential	NA	NA	NA	NA	NA	NA	NA	NA	11.5	10.7
High Density Residential	NA	NA	NA	NA	NA	NA	NA	NA	24.8	24.8
5+ ac										
Low Density Residential	4.0		2.5		2.5		2.5		NA	NA
Medium Density Residential	NA	NA	NA	NA	NA	NA	NA	NA	10.7	10.0
High Density Residential	NA	NA	NA	NA	NA	NA	NA	NA	21.5	21.5

Assumptions used in December 2014 Urban Growth Boundary Recommendation:

Gross Density Assumptions (calculated assumption)

Plan Designation	LDR, MDR, HDR	LDR		MDR/HDR	
		Below 900'	Above 900'		
	<5%	5% to 30%	5% to 30%	5% to 30%	>30% (unbuildable)
<1 ac					
Low Density Residential	5.2	2.5	1.0	NA	NA
Medium Density Residential	13.4	NA	NA	12.5	NA
High Density Residential	32.6	NA	NA	32.6	NA
1-5 ac					
Low Density Residential	4.6	2.5	1.0	NA	NA
Medium Density Residential	11.5	NA	NA	10.7	NA
High Density Residential	24.8	NA	NA	24.8	NA
5+ ac					
Low Density Residential	4.0	2.5	1.0	NA	NA
Medium Density Residential	10.7	NA	NA	10.0	NA
High Density Residential	21.5	NA	NA	21.5	NA



September 27, 2012

Mr. Jim Rue, Acting Director
Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

Re: City of Eugene; HB 3337 Compliance
Goal 10 Buildable Lands Inventory and Clear and Objective Standards

Dear Mr. Rue:

The Home Builders Association of Lane County (HBA) has been a major stakeholder in the Envision Eugene process to establish our own UGB with a 20-year supply of land. The HBA sincerely hopes to be in a position to support the final product.

There is a one legal issue on which there is a significant difference between the city staff and the HBA, an issue that relates to the Goal 10 Buildable Land Inventory (BLI). It is an issue that deserves a navigational course correction by the city. I am hoping that the DLCDC can help with this correction, thus avoiding the need for the HBA to file objections with the DLCDC/LCDC at the end of the process. The HBA has spent a lot of time and resources on this process, because it wants to support the product. But it can't support the product with the major flaw that is apparent in the current drafts.

The flaw is this: The existing acknowledged BLI, and the draft Goal 10 BLI for the Envision Eugene project includes a lot of acreage in the South Hills of Eugene, which requires review under PUD and/or subdivision standards in the code. A lot of the South Hills BLI has a slope of 20% or greater, although the total acreage has not been calculated by the City. If a landowner wants to develop under clear and objective standards, consistent with the Needed Housing Statute and the implementing Division 8 rule, that owner faces the following standard in the Eugene Code: "There shall be no proposed grading on portions of the development site that meet or exceed 20% slope," EC 9.8325(5)(tentative PUD); EC 9.8520(4)(tentative subdivision approval). No grading means no development.

Thus, a large part of the existing and draft BLI is prohibited from development under clear and objective standards. This is contrary to state law, which requires that the BLI be developable under clear and objective standards, not precluded from development under clear and objective standards. ORS 197.307(4), (6); OAR 660-008-0015.

It is important to note that the 20% grading limitation is not imposed by the Eugene code for housing development proposed under the optional discretionary tracks for approval. That is, if an owner requests development approval under the optional discretionary tracks for PUD or subdivision approval (as allowed by ORS 197.307(6)) the owner can propose to grade and develop all the land regardless of slope.

But, if the owner chooses the clear and objective track to develop the same site, grading is prohibited on 20% or greater slopes.

The HBA has addressed this issue many times with Eugene staff over the last couple of years. We understand the city staff's position to be this: Land can be counted toward the 20-year Goal 10 inventory if it can potentially be developed under the discretionary approval track (ORS 197.307(6)), even if it would be off-limits to development under the Needed Housing track because it has slopes of 20% or more.

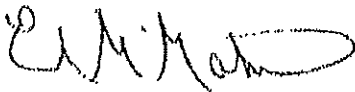
Most recently this issue has come to a head in a Needed Housing Tentative PUD denial on a 26-acre tract in the South Hills. The owner filed under the Needed Housing track after three previous unsuccessful applications under the discretionary track between 1998 and 2006. The application was denied for violation of the 20% grading limitation. I am enclosing a copy of the Hearing Official's recent denial of the application. Without a definition in the code of how to measure 20% slope, city staff insisted on measuring between 5-foot contour intervals. The opposing neighborhood group came up with a much different map using a different measuring method between 5-foot contours. The Hearing Official chose the neighborhood group map. Both maps are attached. Each map, which purports to show the "no grading allowed" areas in yellow (no grading means no development) shows large amounts of acreage off limits to development under the 20% slope standard. And yet these areas are being counted in the current, acknowledged BLI and in the draft HB 3337 BLI.

I would ask the DLCD to advise the city of two things required by state law:

- (1) If land in the acknowledged residential BLI is developable under discretionary standards, then state law requires it to be developable under the Needed Housing standards. That is the meaning of ORS 197.307(6).
- (2) Land in the acknowledged residential BLI must be developable under clear and objective standards, not precluded from development under clear and objective standards. That is required by ORS 197.307(4) and OAR 660-008-0015.

The points above reflect the statutory scheme as it has existed since 1981. After 30 years it would be good to have the City of Eugene in compliance. With a prompt, firm nudge from the DLCD I think this issue could be put to rest. It would greatly decrease the likelihood of litigation of the final Envision Eugene product.

Sincerely,



Ed McMahon, Executive Vice President
Home Builders Association of Lane County

CC:

Bob Rindy, DLCD
Rob Hallyburton, DLCD
Emily Jerome, Eugene City Attorney Office
Jon Chandler, CEO, Oregon HBA



Oregon

John A. Kitzhaber, MD, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



January 28, 2013

Ed McMahon
Home Builders Association of Lane County
1065 River Road
Eugene, OR 97404

Re: City of Eugene; HB 3337 Compliance
Goal 10 Buildable Lands Inventory and Clear and Objective Standards

Dear Mr. McMahon:

We received your letter of September 27, 2012 regarding the residential buildable lands inventory (BLI) currently being prepared by the city of Eugene. We would like to thank you for your participation in the Envision Eugene process, as planning only works when a wide variety of interests and viewpoints are involved. Your organization's contributions have helped Envision Eugene's success.

In your letter, you asked that the Department of Land Conservation and Development to advise the city of two things required by state law:

- (1) If land in the acknowledged residential BLI is developable under discretionary standards, then state law requires it to be developable under the needed housing standards; and
- (2) Land in the acknowledged residential BLI must be developable under clear and objective standards, not precluded from development under clear and objective standards.

We could quote statute and rule in this reply, but we expect you are more interested in the outcome. Let me begin by saying that you have an ally in this department in ensuring local plans and zoning codes, including Eugene's, include an adequate supply of buildable lands, provide for needed housing, and permit residential development approvals using clear and objective standards. We pledge to work closely with the city as it considers and adopts amendments to its plan to ensure these objectives are achieved.

We read your letter to contend that, because Eugene's code does not permit development on slopes of greater than 20 percent using clear and objective standards, all such lands must be removed from the 20-year inventory of buildable residential land in the city's current BLI update. Our inquiry found that the city has, in its draft work product, adjusted the amount of

Ed McMahon
January 28, 2013
Page 2

residential development it is calculating will be built in the area to account for unbuildable areas such as steep slopes. This is equivalent to netting out the steep slopes from the buildable lands inventory as you suggest.

It is our understanding that the factor the city used to adjust the density calculation was examined by stakeholders and found to be appropriate. This department has not made an independent assessment of the accuracy of the adjustment factor, but the *method* is an acceptable way to prepare a BLI. Development of a BLI requires the city to make some assumptions, but at the same time, the city's final product must be based on reasonable evidence. We will be working with the city and stakeholders to help ensure that the final product satisfies the applicable regulations.

We appreciate your insistence that Eugene's housing and residential land needs analyses, and plan and code more generally, result in a product that accommodates the needs of the community. The issue of clear and objective standards for needed housing is one that may not have always received adequate attention in the past, but, partly due to the efforts of your organization, this department is now giving it proper consideration.

Sincerely,



Jan Rue
Director

cc: Ed Moore, DLCD Regional Representative
Carolyn Burke, Eugene Planning Director
Jon Chandler, Oregon Homebuilders Association

JEROME Emily N

From: O'DONNELL Heather M
Sent: Wednesday, June 21, 2017 11:17 AM
To: JEROME Emily N
Subject: FW: Envision Eugene: Residential

From: O'DONNELL Heather M
Sent: Monday, June 19, 2017 5:06 PM
To: KLOOS Bill (SMTP) <billkloos@landuseoregon.com>
Cc: MCMAHON Ed (SMTP) <ed@hbalanecounty.org>; 'julie stringham' <julie.stringham@gmail.com>; 'mreeder@arnoldgallagher.com' <mreeder@arnoldgallagher.com>; MCKINNEY Lydia <Lydia.S.MCKINNEY@co.lane.or.us>; 'Carol Coleman' <ccoleman@landuseoregon.com>; 'Kimberly O'Dea' <kimodea@landuseoregon.com>; KLINGENSMITH Nick (SMTP) <nickklingsmith@landuseoregon.com>; HARDING Terri L <Terri.L.Harding@ci.eugene.or.us>; HOSTICK Robin A <Robin.A.Hostick@ci.eugene.or.us>; KLOOS Bill (SMTP) <billkloos@landuseoregon.com>; TERRA Doug M <Doug.M.Terra@ci.eugene.or.us>
Subject: RE: Envision Eugene: Residential

Hello Bill (et al),

The following tables include the information you requested (one for Vacant land, the other for Partially Vacant LDR land). These tables provide staff estimates for the number of Low Density Residential BLI acres or lots on land between 25% and 30% slopes and between 20% and 25% slopes. We have broken these down into tables with a format similar to that of Tables 2, 3, 5 & 6 in the BLI (Part V of the Residential Land Supply Study).

Please understand that these estimates are for a *slice of a subset* of the 2012-2032 BLI. In terms of slope, the 2010-2032 BLI divides land into two subsets: (1) less than 5% slope; and (2) 5% or greater slope. The BLI assumptions about the development capacity of different types of land (Table 6 of the 2012-2032 Residential BLI) pertain to land in terms of these two slope subsets. Your request relates to a slice of the land in subset 2 and cannot be assumed to have the same average development capacity as the BLI assumes for all of the land in subset 2. For example, of the vacant LDR land on lots of 5+ acres, the BLI assumes there will be an average of 2.5 units per acre on the land that has 5% or greater slope. This is not accurately translated as an average of 2.5 units per acre on the land that has 20-30% slope. The BLI did not slice the subsets that thin. The development capacity of land that is at the low end of the BLI's slope subset (e.g. a slice made up of the land that is 5%-15% slope) is likely to be developed at a higher average density than that of the land that is at the high end of that subset (e.g. the slice made up of land that is 20%-30%). The BLI assumption also cannot be accurately translated as an assumption of 2.5 units on every acre of land that has 5% or greater slope. "2.5 units per acre" is an average assumed for all of the vacant LDR land located on lots of 5+ acres that has 5% or greater slope.

Data Request:

The 2012-2032 BLI shows the following housing capacity estimates for LDR in Part V of the Residential Land Supply:

Table 2. Vacant Acres or Lots of Residential 2032

Slope	Low Density Residential			
	< 900'		> 900'	
	<5%	≥5%	<5%	≥5%
< 1 acre	177 ac	768 lots	5 lots	115 lots
1-5 acre	120 ac	192 ac	0 ac	49 ac
5+ acre	168 ac	418 ac	8 ac	123 ac

Table 3. Partially Vacant Acres¹ or Lots of Res Eugene 2012-2032

Slope	Low Density Residential			
	< 900'		> 900'	
	<5%	≥5%	<5%	≥5%
< 1 acre*	n/a	n/a	n/a	n/a
1-5 acre	258.7 ac	255.1 ac	2 ac	35 lots
5+ acre	312.2 ac	170.4 ac	0 ac	10 ac

The portion of the ≥5% slope estimates from above that are on 20-25% and 25-30% slope is:

Vacant Acres or Lots on LDR Land (2012-2032 BLI)

Elevation	Low Density Residential			
	< 900'		>900'	
	20-25%	25-30%	20-25%	25-30%
< 1 acre	172 lots	120 lots	18 lots	14 lots
1-5 acre	38.2 ac	22.6 ac	1.1 ac	10.9 ac
5+ acre	158.0 ac	7.9 ac	20.0 ac	0 ac

Partially Vacant Acres or Lots on LDR Land (2012-2032 BLI)

Elevation	Low Density Residential			
	< 900'		>900'	
	20-25%	25-30%	20-25%	25-30%
< 1 acre	n/a	n/a	n/a	n/a
1-5 acre	13 ac	44.9 ac	4 lots	4 lots
5+ acre	52.0 ac	0 ac	0 ac	0 ac

Best,
Heather

Eugene Metropolitan Area Public Facilities and Services Plan Amendments

- Table 1 of the Eugene Metropolitan Area Public Facilities and Services Plan is amended as follows:

Table 1
Eugene Water & Electric Board (EWEB) Water System Improvement Projects

Project Number	Project Name/Description
Short-Term	
[107]	Green Hill/Airport mainline]
[108]	EWEB/Seneca 42-inch transmission line]
[109]	City View reservoir (800)]
[110]	Hayden Bridge Expansion and 10mg Reservoir and pump gallery]
111	Hawkins Hill reservoir seismic upgrades
112	Willamette reservoir (800) replacement
113	Shasta constant run pump station (1150)
114	Willamette pump station (975)
115	Crenshaw pump station (800)
116	Hawkins View pump station (1150)
117	Crest pump station (1150) replacement
Long-Term	
218	Back-up well field development area
[219]	Hayden Bridge former fish hatchery intake modifications]
[220]	Laurel Hill reservoir (850)]
221	Laurel Hill reservoir and pump station (975)
222	Laurel Hill pump station (1150)
[223]	Shasta reservoir (1150)]
224	Dillard reservoir (975) and pump station (1150)
225	Dillard reservoir (1150)
[226]	Elliot reservoir (607)]
[227]	Willamette reservoir (1325)]
228	Willamette pump station (1500)
[229]	Timberline reservoir (1100)]
[230]	Timberline pump station (1325)]
231	Gimple Hill reservoir (975) and pump station
232	Green Hill reservoir (800)
233	Green Hill reservoir (975)
234	Green Hill pump station (975)
[235]	Westside/Cantrell Hill reservoir (607)]
[236]	Westside Transmission Main]
[237]	Glenwood/LCC Basin intertie]
238	Santa Clara pump station and 5 MG reservoir at the existing Santa Clara pump station and reservoir site.
239	College Hill 5 MG reservoir and decommission existing College Hill 15 MG reservoir
240	Construct 10,000 feet of 36-inch pipeline in 23rd Avenue and Alder Street

241	<i>Elliott 5 MG reservoir</i>
242	<i>5 MG Reservoir at either the Santa Clara site, Elliott site, or Oak Hill/Cantrell Rd site</i>

- Table 3 of the Eugene Metropolitan Area Public Facilities and Services Plan is amended as follows:

Table 3
City of Eugene Wastewater System Improvement Projects

Project Number	Project Name/Description
Short-Term	
[100]	West Eugene Bypass (48-inch)]
[101]	North River Road pump station]
[102]	North Willakenzie gravity sewers]
[103]	North Enid pump station]
100	<i>Bailey Hill/Gimpl Hill pump station</i>
{200} 101	{North Willakenzie} <i>County Farm Road pump station</i>
Long-Term	
[103] 200	North Enid pump station
[200]	North Willakenzie pump station]
201	Awbrey Lane pump station
202	<i>Enid Road pump station and gravity line</i>
203	<i>North Delta Highway pump station</i>
204	<i>North Coburg Road pump station</i>

- Table 5 of the Eugene Metropolitan Area Public Facilities and Services Plan is amended as follows:

Table 5
City of Eugene Stormwater System Improvement Projects

Project Number	Project Name/Description
Willakenzie Basin Short-Term	
[1]	River Point Pond Outlet Channel]
[2]	Federal Priority Project – Delta Ponds Enhancement]
Willakenzie Basin Long-Term	
3	Gilham Road System Water Quality Facility
4	Gilham Road System Culvert Replacement
[5]	Ayers Pond Outfall Retrofit]
6	Wetland Adjacent Coburg & County Farm Roads
7	Modify Ascot Park Open Waterway
Laurel Hill Basin Short-Term	
[8]	Riverview/Augusta Bypass and System Improvements]

[9]	Minor System Between Riverview and Augusta]
10	I-5 and Augusta Water Quality Facility
11	Riverview/Augusta Minor Storm Drainage System Plan
Bethel Danebo Basin Short-Term	
[12]	Green Hill Tributary Stream Enhancements]
13	Culvert Replacement in Roosevelt Channel
[23]	West Irwin Storm]
Bethel Danebo Basin Long-Term	
14	Royal Node Infrastructure
15	Retrofit Empire Park Pond
16	Increase Pipe Sizes Along Bell Avenue
17	Green Hill Tributary Water Quality Facility
18	Wallis Street Culvert (Bertelsen Slough)
19	Increase Pipe Sizes Along Garfield Street
Amazon Creek Basin Short-Term	
[20]	Kinney Park Neighborhood Facility]
21	Federal Priority Project- Upper Amazon Creek Restoration
[22]	Martin Drive Pipe Improvements]
[24]	Hilyard Street Pipe Improvements]
Amazon Creek Basin Long-Term	
25	Federal Priority Project - Central Amazon Creek Restoration
26	Jackson Street Pipe Improvements
27	North Laurelwood Water Quality Facility
28	South Laurelwood Water Quality Facility
29	Pine View Neighborhood Facility
[30]	43 rd Avenue Pipe Improvements]
31	Morse Ranch Park Pipe Improvements
32	Option B - Laurelwood Flood Control Facilities and Pipe Improvements
33	Option B - Mt. Cavalry Pipe Improvements
34	Mt. Cavalry Water Quality Facility
35	Option A - Cleveland Street Flow Diversion
36	Option B - Brittany Street Pipe Improvements
37	Option B - Windsor Circle Pipe Improvements
38	Water Quality Facility West of Hawkins Lane
39	Water Quality Facility at Sam [R-] Reynolds Street
40	Water Quality Facility at Interior Street
Willow Creek Basin Short-Term	
41	Willow Creek - West Branch Culvert/Channel Retrofits
Willow Creek Basin Long-Term	
42	Realign/Restore Main Stem Willow Creek
43	Willow Creek - East Branch Culvert/Channel Retrofits
Willamette River Short-Term	
44	Federal Priority Project - Willamette River Bank Restoration
[45]	Polk Street Water Quality Facilities]
Willamette River Long-Term	
46	Federal Priority Project - Eugene Millrace Enhancements
City-wide Projects Short-Term (not mapped)	
	[Channel Easement Acquisition]
	Stormwater Rehabilitation

	Water Quality Facilities for High Source Areas
City-wide Projects Long-Term (not mapped)	
	[Channel Easement Acquisition]
	Stormwater Rehabilitation
	Water Quality Facilities for High Source Areas
[River Road-Santa Clara Basin Short-Term]	
[47]	Willamette Overflow Channel Upgrade]
[48]	Irvington Road Drainage Improvements]
[49]	River Road Drainage Improvements]
River Road-Santa Clara Basin Long-Term	
50	Water Quality Project
51	Flat Creek Low Flow Channel Upgrade
52	Upgrade Existing Pipe
53	A-1 Channel Upgrade
54	Water Quality Facility
55	Flat Creek Water Quality Facility
56	Spring Creek Water Quality Project
57	Spring Creek Culvert Replacement
58	A-1 Channel, West Tributary Improvements
Clear Lake UGB Expansion Area Long-Term	
59	<i>Awbrey Lane at Highway 99 Culvert Upgrade/Channel Capacity Enhancements</i>
60	<i>Green Hill Road/ North of Old Airport Road Channel/Culvert Improvements</i>
61	<i>Green Hill Road to Awbrey Lane Channel/Culvert Improvements</i>
62	<i>Clear Lake Road Channel/Culvert Improvements</i>
63	<i>New Open Channel West of Terry Street (includes estimated acquisition cost)</i>

- Map 1 of the Eugene Metropolitan Area Public Facilities and Services Plan entitled "Planned Water Facilities" is hereby amended as to remove the following projects:

- 107 Green Hill/Airport mainline
- 108 EWEB/Seneca 42-inch transmission line
- 109 City View reservoir (800)
- 110 Hayden Bridge Expansion and 10mg Reservoir and pump gallery
- 219 Hayden Bridge-former fish hatchery intake modifications
- 220 Laurel Hill reservoir (850)
- 223 Shasta reservoir (1150)
- 226 Elliot reservoir (607)
- 227 Willamette reservoir (1325)
- 229 Timberline reservoir (1100)
- 230 Timberline pump station (1325)
- 235 Westside/Cantrell Hill reservoir (607)
- 236 Westside Transmission Main
- 237 Glenwood/LCC Basin intertie

- Map 1 of the Eugene Metropolitan Area Public Facilities and Services Plan entitled "Planned Water Facilities" is hereby further amended to add the projects shown on the map attached to this Ordinance as Exhibit C-2, entitled "Amendment to Eugene-Springfield Public Facilities and Services Plan Map 1: Planned Water Facilities."
- Map 2 of the Eugene Metropolitan Area Public Facilities and Services Plan entitled "Planned MWMC Wastewater Project Sites" is hereby amended as to remove the following projects:
 - 100 West Eugene Bypass (48-inch)
 - 101 North River Road pump station
 - 102 North Willakenzie gravity sewers
 - 103 North Enid pump station
 - 200 North Willakenzie pump station
- Map 2 of the Eugene Metropolitan Area Public Facilities and Services Plan entitled "Planned MWMC Wastewater Project Sites" is hereby further amended to add the projects shown on the map attached to this Ordinance as Exhibit C-2, entitled "Amendment to Eugene-Springfield Public Facilities and Services Plan Map 2: Planned MWMC Wastewater Project Sites."
- Map 3 of the Eugene Metropolitan Area Public Facilities and Services Plan entitled "Planned Stormwater Facilities" is hereby amended as to remove the following projects:
 - 1 River Point Pond Outlet Channel
 - 2 Federal Priority Project- Delta Ponds Enhancement
 - 5 Ayers Pond Outfall Retrofit
 - 8 Riverview/Augusta Bypass and System Improvements
 - 9 Minor System Between Riverview and Augusta
 - 12 Green Hill Tributary Stream Enhancements
 - 23 West Irwin Storm
 - 20 Kinney Park Neighborhood Facility
 - 22 Martin Drive Pipe Improvements
 - 24 Hilyard Street Pipe Improvements
 - 30 43rd Avenue Pipe Improvements
 - 45 Polk Street Water Quality Facilities
 - 47 Willamette Overflow Channel Upgrade
 - 48 Irvington Road Drainage Improvements
 - 49 River Road Drainage Improvements
- Map 3 of the Eugene Metropolitan Area Public Facilities and Services Plan entitled "Planned Stormwater Facilities" is hereby further amended to add the projects shown on the map attached to this Ordinance as Exhibit C-2, entitled "Amendment to Eugene-Springfield Public Facilities and Services Plan Map 3: Planned Stormwater Facilities."

- Map 8 of the Eugene Metropolitan Area Public Facilities and Services Plan entitled "Public Service Availability in the Eugene-Springfield Metropolitan Area" is hereby amended as to remove the following projects:

Eugene Water & Electric Board Water System Improvement Projects:

- 107 Green Hill/Airport mainline
- 108 EWEB/Seneca 42-inch transmission line
- 109 City View reservoir (800)
- 110 Hayden Bridge Expansion and 10mg Reservoir and pump gallery
- 219 Hayden Bridge-former fish hatchery intake modifications
- 220 Laurel Hill reservoir (850)
- 223 Shasta reservoir (1150)
- 226 Elliot reservoir (607)
- 227 Willamette reservoir (1325)
- 229 Timberline reservoir (1100)
- 230 Timberline pump station (1325)
- 235 Westside/Cantrell Hill reservoir (607)
- 236 Westside Transmission Main
- 237 Glenwood/LCC Basin intertie

City of Eugene Wastewater System Improvement Projects

- 100 West Eugene Bypass (48-inch)
- 101 North River Road pump station
- 102 North Willakenzie gravity sewers
- 103 North Enid pump station
- 200 North Willakenzie pump station

City of Eugene Stormwater System Improvement Projects

- 1 River Point Pond Outlet Channel
- 2 Federal Priority Project- Delta Ponds Enhancement
- 5 Ayers Pond Outfall Retrofit
- 8 Riverview/Augusta Bypass and System Improvements
- 9 Minor System Between Riverview and Augusta
- 12 Green Hill Tributary Stream Enhancements
- 23 West Irwin Storm
- 20 Kinney Park Neighborhood Facility
- 22 Martin Drive Pipe Improvements
- 24 Hilyard Street Pipe Improvements
- 30 43rd Avenue Pipe Improvements
- 45 Polk Street Water Quality Facilities
- 47 Willamette Overflow Channel Upgrade
- 48 Irvington Road Drainage Improvements
- 49 River Road Drainage Improvements

- Map 8 of the Eugene Metropolitan Area Public Facilities and Services Plan entitled "Public Service Availability in the Eugene-Springfield Metropolitan Area" is hereby further amended to add the projects shown on the map attached to this Ordinance as Exhibit C-2, entitled "Amendment to Eugene-Springfield Public Facilities and Services Plan Map 8: Public Service Availability in the Eugene-Springfield Metropolitan Area."
- Table 13 of the Eugene Metropolitan Area Public Facilities and Services Plan is amended as follows:

Table 13
EWEB Water System Improvements, Estimated Costs, and Timing

Project Number	Project Name/Description	Cost (\$000)	Estimated Completion Year
Short-Term			
[107]	Green Hill/Airport mainline	400	1999]
[108]	EWEB/Seneca 42-inch transmission line	6,600	2001]
[109]	City View reservoir (800)	800	2001]
[110]	Hayden Bridge Expansion and 10mg Reservoir and pump gallery	21,100	2003]
111	Hawkins Hill reservoir seismic upgrades	1,927	2016
112	Willamette reservoir (800) replacement	1,500	2016
113	Shasta constant run pump station (1150)	500	2016
114	Willamette pump station (975)	857	2017
115	Crenshaw pump station (800)	925	2018
116	Hawkins View pump station (1150)	953	2019
117	Crest pump station (1150) replacement	982	2020
Long-Term			
218	Back-up well field development area	10,100	2007-2035+
[219]	Hayden Bridge former fish hatchery intake modifications	1,000	2010+]
[220]	Laurel Hill reservoir (850)	830	2005]
221	Laurel Hill reservoir and pump station (975)	1,000	[2007] 2022-2032*
222	Laurel Hill pump station (1150)	150	[2007] 2022-2032*
[223]	Shasta reservoir (1150)]	500	2006]
224	Dillard reservoir (975) and pump station (1150)	750	[2010+]2022-2032*
225	Dillard reservoir (1150)	500	[2010+]2022-2032*
[226]	Elliot reservoir (607)]	5,000	2010+]
[227]	Willamette reservoir (1325)]	500	2010+]
228	Willamette pump station (1500)	150	2005-08-2022-2032*
[229]	Timberline reservoir (1100)	500	2008]
[230]	Timberline pump station (1325)	150	2008]
231	Gimple Hill reservoir (975) and pump station	750	[2010+] 2022-2032*

232	Green Hill reservoir (800)	500	[2010+] 2022-2032*
233	Green Hill reservoir (975)	500	[2010+] 2022-2032*
234	Green Hill pump station (975)	250	[2010+] 2022-2032*
[235]	Westside/Cantrell Hill reservoir (607)	10,000	2010+]
[236]	Westside Transmission Main	1,000	2010+]
[237]	Glenwood/LCC Basin intertie	500	2010]
238	<i>Santa Clara pump station and 5 MG reservoir at the existing Santa Clara pump station and reservoir site.</i>	12,442	2024
239	<i>College Hill 5 MG reservoir and decommission existing College Hill 15 MG reservoir</i>	9,370	2028
240	<i>Construct 10,000 feet of 36-inch pipeline in 23rd Avenue and Alder Street</i>	8,971	2030
241	<i>Elliott 5 MG reservoir</i>	9,370	2031
242	<i>5 MG Reservoir at either the Santa Clara site, Elliott site, or Oak Hill/Cantrell Rd site</i>	9,370	2032

*Timing is dependent upon development pressure

- Table 15 of the Eugene Metropolitan Area Public Facilities and Services Plan is amended as follows:

Table 15
City of Eugene
Wastewater System Improvements, Estimated Costs, and Timing

Project Number	Project Name/Description	Cost (\$000)	Estimated Completion Year
Short-Term			
[100]	West Eugene Bypass (48-inch)	3,350	2002]
[101]	North River Road pump station	315	2002]
[102]	North Willakenzie gravity sewers	666	2004]
[103]	North Enid pump station	774	2005]
100	<i>Bailey Hill/Gimpl Hill pump station</i>	800	2016-2021
[200]101	[North Willakenzie] <i>County Farm Road</i> pump station	645	[2008] 2016-2021
Long-Term			
[103]200	North Enid pump station	774	[2005] 2022-2032
[200]	North Willakenzie pump station	645	2008]
201	Awbrey Lane pump station	300	[2008] 2022-2032
202	<i>Enid Road pump station and gravity line</i>	4,000	2022-2032
203	<i>North Delta Highway pump station</i>	600	2022-2032
204	<i>North Coburg Road pump station</i>	600	2022-2032

- Table 17 of the Eugene Metropolitan Area Public Facilities and Services Plan is amended as follows:

Table 17
City of Eugene Stormwater System Improvements, Estimated Costs, and Timing

Project Number	Project Name/Description	Cost (\$000)	Estimated Completion Year
[Willakenzie Basin Short-Term]			
[1]	River Point Pond Outlet Channel	1,636	2000-2006]
[2]	Federal Priority Project- Delta Ponds Enhancement	2,800	2000-2006]
Willakenzie Basin Long-Term			
3	Gilham Road System Water Quality Facility	654	[2007-2011] 2022-2032
4	Gilham Road System Culvert Replacement	32	[2007-2011] 2022-2032
[5]	Ayers Pond Outfall Retrofit	774	2007-2011]
6	Wetland Adjacent Coburg & County Farm Roads	1,152	2012-2035] 2022-2032
7	Modify Ascot Park Open Waterway	662	2012-2035] 2022-2032
Laurel Hill Basin Short-Term			
[8]	Riverview/Augusta Bypass and System Improvements	650	2000-2006]
[9]	Minor System Between Riverview and Augusta	59*	2000-2006]
10	I-5 and Augusta Water Quality Facility	1,246*	[2000-2006] 2016-2021
11	Riverview/Augusta Minor Storm Drainage System Plan	48	[2000-2006] 2016-2021
Bethel Danebo Basin Short-Term			
[12]	Green Hill Tributary Stream Enhancements	800	2000-2006]
13	Culvert Replacement in Roosevelt Channel	192	[2000-2006] 2016-2021
[23]	West Irwin Storm	295	2001]
Bethel Danebo Basin Long-Term			
14	Royal Node Infrastructure	1,859	[2007-2011] 2022-2032
15	Retrofit Empire Park Pond	571	[2007-2011] 2022-2032
16	Increase Pipe Sizes Along Bell Avenue	795	[2012-2035] 2022-2032
17	Green Hill Tributary Water Quality Facility	749	[2012-2035] 2022-2032
18	Wallis Street Culvert (Bertelsen Slough)	660	[2012-2035] 2022-2032
19	Increase Pipe Sizes Along Garfield Street	1,620	[2012-2035] 2022-2032
Amazon Creek Basin Short-Term			
[20]	Kinney Park Neighborhood Facility	665	2000-2006]
21	Federal Priority Project- Upper Amazon Creek Restoration	3,300	2000-2006] 2016-2021
[22]	Martin Drive Pipe Improvements	92	2000-2006]
[24]	Hilyard Street Pipe Improvements	290	2000-2006]
Amazon Creek Basin Long-Term			
25	Federal Priority Project - Central Amazon Creek Restoration	3,500	[2007-2011] 2022-2032
26	Jackson Street Pipe Improvements	77	[2007-2011] 2022-2032
27	North Laurelwood Water Quality Facility	446	[2007-2011] 2022-2032
28	South Laurelwood Water Quality Facility	371	[2007-2011] 2022-2032
29	Pine View Neighborhood Facility	309	[2007-2011] 2022-2032
[30]	43 rd Avenue Pipe Improvements	2,156	2012-2035]
31	Morse Ranch Park Pipe Improvements	1,004	[2012-2035] 2022-2032
32	Option B - Laurelwood Flood Control Facilities and Pipe Improvements	2,008	[2012-2035] 2022-2032
33	Option B - Mt. Cavalry Pipe Improvements	944	[2012-2035] 2022-2032
34	Mt. Cavalry Water Quality Facility	470	[2012-2035] 2022-2032

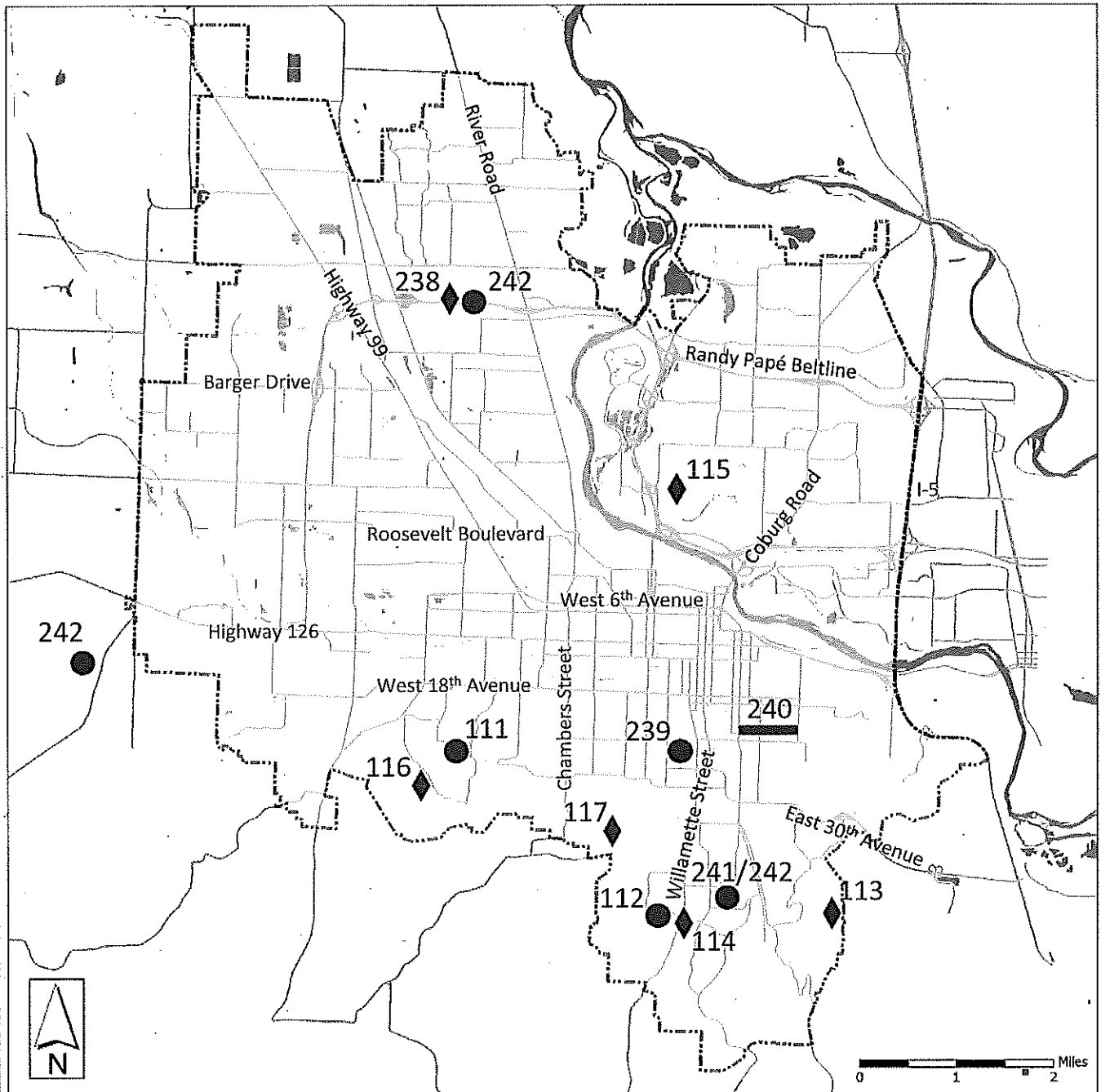
35	Option A - Cleveland Street Flow Diversion	422	[2012-2035] 2022-2032
36	Option B - Brittany Street Pipe Improvements	308	[2012-2035] 2022-2032
37	Option B - Windsor Circle Pipe Improvements	968	[2012-2035] 2022-2032
38	Water Quality Facility West of Hawkins Lane	625	[2012-2035] 2022-2032
39	Water Quality Facility at Sam [R.] Reynolds Street	487	[2012-2035] 2022-2032
40	Water Quality Facility at Interior Street	328	[2012-2035] 2022-2032
Willow Creek Basin Short-Term			
41	Willow Creek - West Branch Culvert/Channel Retrofits	36	[2000-2006] 2016-2021
Willow Creek Basin Long-Term			
42	Realign/Restore Main Stem Willow Creek	2,689	[2012-2035] 2022-2032
43	Willow Creek - East Branch Culvert/Channel Retrofits	980	[2012-2035] 2022-2032
Willamette River Short-Term			
44	Federal Priority Project - Willamette River Bank Restoration	1,000	[2000-2006] 2016-2021
[45]	Polk Street Water Quality Facilities	357	2000-2006]
Willamette River Long-Term			
46	Federal Priority Project - Eugene Millrace Enhancements	2,500	2007-2011]
City-wide Projects Short-Term (not mapped)			
	[Channel Easement Acquisition	950	2000-2006]
	Stormwater Rehabilitation	[4,579] 6,075	[2000-2006] 2016-2021
	Water Quality Facilities for High Source Areas	2,200	2016-2021
City-wide Projects Long-Term (not mapped)			
	[Channel Easement Acquisition	1,500	2007-2035]
	Stormwater Rehabilitation	[7,500] 11,100	[2007-2035] 2022-2032
	Water Quality Facilities for High Source Areas	4,000	2022-2032
[River Road-Santa Clara Basin Short-Term]			
[47]	Willamette Overflow Channel Upgrade	596	2000-2006]
[48]	Irvington Road Drainage Improvements	145	2000-2006]
[49]	River Road Drainage Improvements	40	2000-2006]
River Road-Santa Clara Basin Long-Term			
50	Water Quality Project	65	[2007-2011] 2022-2032
51	Flat Creek Low Flow Channel Upgrade	100	[2007-2011] 2022-2032
52	Upgrade Existing Pipe	97	[2007-2011] 2022-2032
53	A-1 Channel Upgrade	TBD	[2007-2011] 2022-2032
54	Water Quality Facility	TBD	[2007-2011] 2022-2032
55	Flat Creek Water Quality Facility	TBD	[2007-2011] 2022-2032
56	Spring Creek Water Quality Project	TBD	[2007-2011] 2022-2032
57	Spring Creek Culvert Replacement	TBD	[2007-2012] 2022-2032
58	A-1 Channel, West Tributary Improvements	TBD	[2012-2020] 2022-2032
Clear Lake UGB Expansion Area Long-Term			
59	Awbrey Lane at Highway 99 Culvert Upgrade/Channel Capacity Enhancements	390	2022-2032
60	Green Hill Road/ North of Old Airport Road Channel/Culvert Improvements	1,625	2022-2032
61	Green Hill Road to Awbrey Lane Channel/Culvert Improvements	880	2022-2032
62	Clear Lake Road Channel/Culvert Improvements	640	2022-2032

63	<i>New Open Channel West of Terry Street (includes estimated acquisition cost)</i>	400	2022-2032
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*Total project costs do not include acquisition costs (unless otherwise noted).

Amendments to Eugene-Springfield Public Facilities and Services Plan

Map 1: Planned Water Facilities



Water Projects

◆ Pump Station

● Reservoir

— Transmission Line

--- Eugene Urban Growth Boundary

— Major Streets

■ Water Bodies

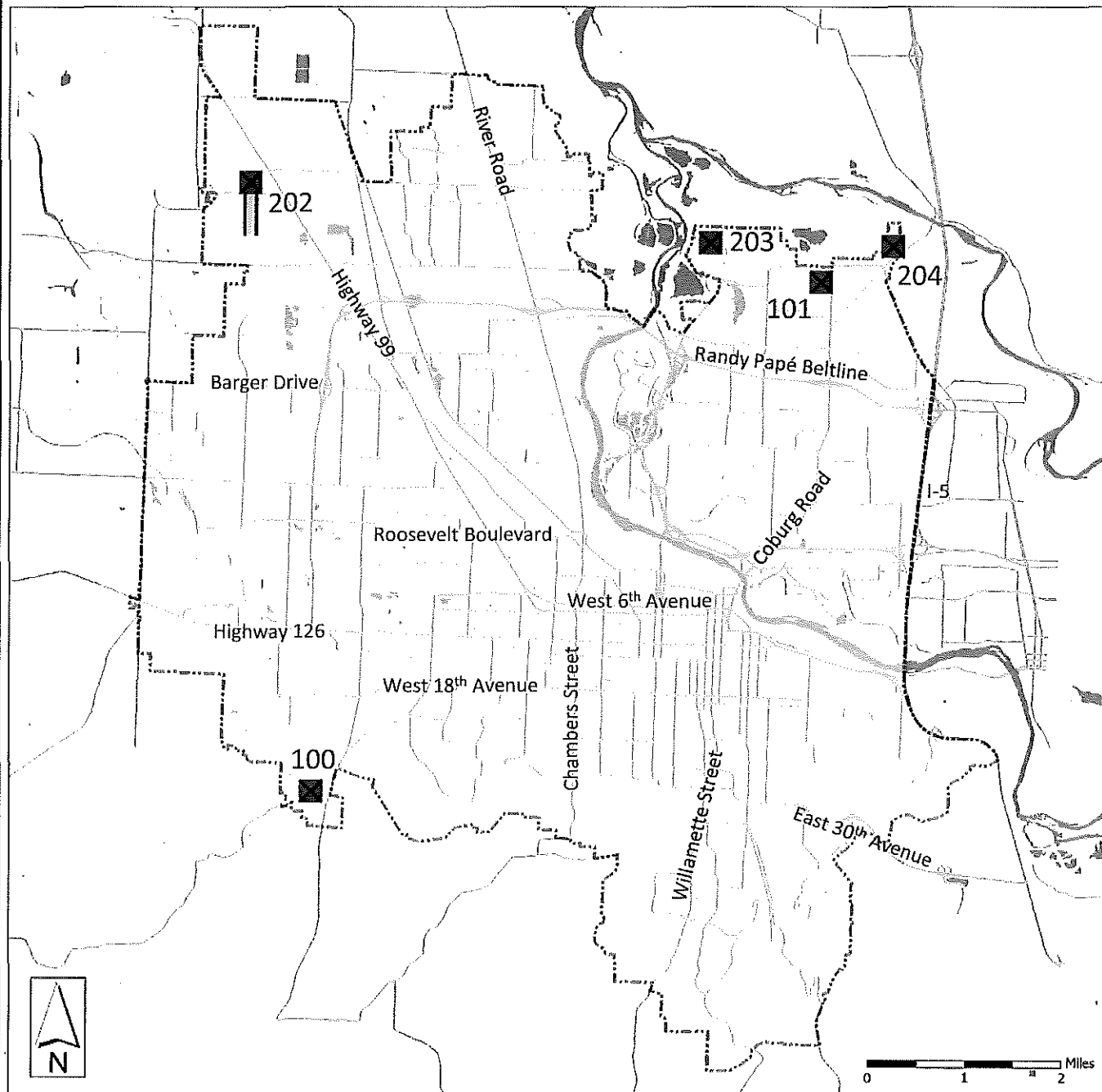


May 2017

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

Amendments to Eugene-Springfield Public Facilities and Services Plan

Map 2: Planned MWMC Wastewater Project Sites



Wastewater Projects Eugene Urban Growth Boundary

Local Pump Station Major Streets

Wastewater Lines Water Bodies

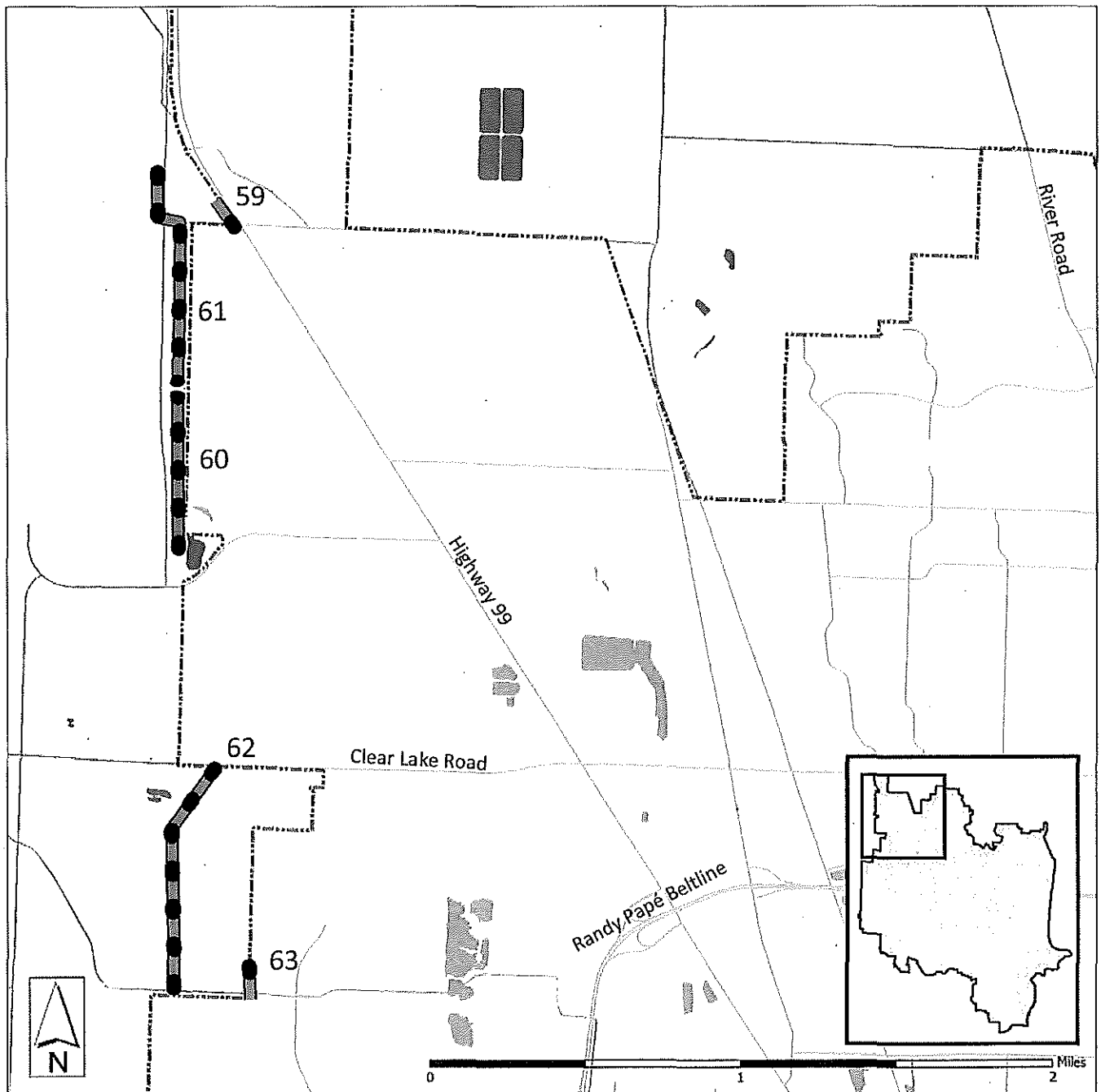


May 2017

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Amendments to Eugene-Springfield Public Facilities and Services Plan

Map 3: Planned Stormwater Facilities



Stormwater Projects

● Drainage/Channel Improvements

□ Eugene Urban Growth Boundary

— Major Streets

■ Water Bodies

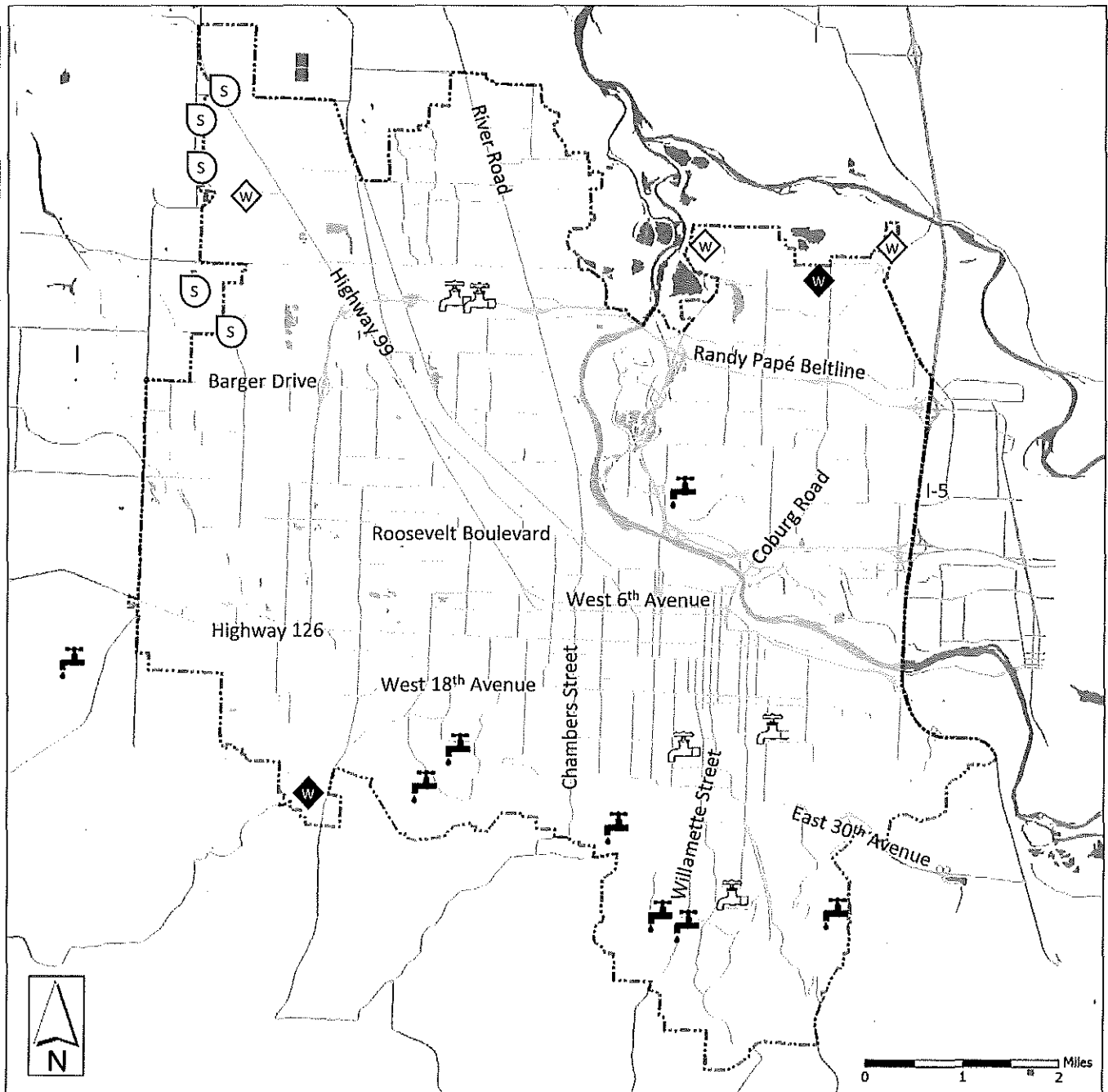


May 2017

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Amendments to Eugene-Springfield Public Facilities and Services Plan

Map 8: Public Service Availability



- | | | |
|---------------|----------------------------|---------------------------|
| Eugene UGB | <i>Short Term Projects</i> | <i>Long Term Projects</i> |
| Major Streets | Water | Water |
| Water Bodies | Wastewater | Wastewater |
| | Stormwater | Stormwater |



May 2017

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

**Envision Eugene
June 2017
Index of Staff Updates to the City of Eugene
Planning Commission-Recommended Proposed UGB Adoption
Package**

This list of updates reflects staff recommended updates to the UGB adoption package identified after the Planning Commission Recommendation version of the UGB Adoption Package was published on May 17 and 22, 2017, for Residential and Employment land respectively. All updates are noted in parenthesis after the ordinance or exhibit.

Employment, Park, and School Land

City of Eugene Ordinance

(Updated to include statement that 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, including replacing the “draft” labels with “final” labels and completing any incomplete references to this Ordinance on all Exhibits. Also added is a list of the exhibits to the Ordinance.)

Lane County Ordinance(s)

(No update to Ordinance PA 1345)

(Ordinance 17-03 (UTA Code) is updated to adopt the relevant Eugene Code (Chapter 9, 1971) for application in the UGB by reference rather than attaching a CD. Accordingly, former County Ordinance Exhibits A (the CD), B (2016 changes – City Ord. 20569) and C (current proposed changes) are replaced with only Exhibit A (current proposed changes). The affected portions of the Land Code (10.600-20 and -25) are also attached, but are not marked as exhibits per the county’s typical practice.)

Exhibits

- A-1 Metro Plan Text Amendments
(No Update)
- A-2 Eugene UGB Map
(No Update)
- A-3 Metro Plan Designation Changes and Zone Changes Table
(No Update)
- A-4 Metro Plan Designation Change Maps
(No Update)
- B-1 Envision Eugene Comprehensive Plan
(Updated to remove or replace side margin comments)

- B-2 Eugene UGB Map (representation of digital file)
(No Update)
- B-3 Employment Land Supply Study
(Part I 2012 maps – Formatting adjustments made for clarity of the map legend including adding grey fill color into partially vacant lands symbol. Part VI 2012-2032 maps – same as above.)
- C-1 Public Facilities and Services Plan Text Amendments
(No Update)
- C-2 Public Facilities and Services Plan Map Amendments
(No Update)
- D. Transportation System Plan Amendments
(Removed intro text stating that the City is in the process of adopting a new local transportation system plan since the Eugene 2035 Transportation System Plan was recently adopted. Removed project to extend Theona Drive in response to public testimony.)
- E. Eugene Code Amendments
(Revised header; Exhibit E will no longer be Exhibit F-3 to Lane County Ordinance / it will be Exhibit A to Lane County Ordinance No. 17-3). Corrected capitalization error in 9.4610, captured TSP's code amendment to Table 9.8010 and added Figure 9.8010 which was erroneously left out of the adoption package but matches the proposed text changes to 9.8010 and has revised symbology for added clarity.)
- F. Zone Change Maps
(No Update)
- G. Overlay Zone Change Maps
(No Update)
- H. Water Resources Conservation Plan Amendments
(No Update)
- I. Water Quality Waterways Map Amendment
(No Update)
- J. Findings / Appendices
(No Update)
 - A. UGB Expansion Analysis for School Land
(No Update)
 - B. UGB Expansion Analysis for Employment Land
(No Update)
 - C. UGB Expansion Analysis for Park Land
(No Update)
 - D. Addendum to UGB Expansion Analysis for Employment Land
(No Update)

- E. UGB Location Methodology
(Replaced note on maps regarding the maps being refined through the adoption process with a note to see Appendix A, Comprehensive Plan, for the official adopted UGB.)
- F. Wetland and Riparian Area Study Documents
(No Update)

Residential Land

City of Eugene Ordinance

(Updated to include statement that 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, including replacing the “draft” labels with “final” labels and completing any incomplete references to this Ordinance on all Exhibits. Also added is a list of the exhibits to the Ordinance.)

Lane County Ordinance

(No Update)

Exhibits

- A-1. Envision Eugene Comprehensive Plan Amendments
(No Update)
- A-2. Residential Land Supply Study
(Part I 2012 maps – Formatting adjustments made for clarity of the map legend including adding grey fill color into partially vacant lands symbol and removing grey box around legend.
Part V 2012-2032 maps – same as above.)
- B. Findings
(No Update)

**Envision Eugene
June 2017
Index of Staff Updates to the City of Eugene
Planning Commission-Recommended Proposed UGB Adoption
Package As they Pertain to the
Lane County Proposed UGB Adoption Package**

This list of updates reflects staff recommended updates to the UGB adoption package identified after the Planning Commission Recommendation version of the UGB Adoption Package was published on May 17 and 22, 2017, for Residential and Employment land respectively. All updates are noted in parenthesis after the ordinance or exhibit.

The following list of proposed revisions is intended to assist the Board of County Commissioners to identify the staff revisions to the Planning Commission Recommendation, as those revisions would apply to Exhibits to the Lane County UGB Ordinances.

Employment, Park, and School Land

Lane County Ordinance

(No update to Ordinance PA 1345)

City of Eugene Ordinance

(Updated to include statement that 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, including replacing the “draft” labels with “final” labels and completing any incomplete references to this Ordinance on all Exhibits. Also added is a list of the exhibits to the Ordinance.)

Exhibits

- A-1 Metro Plan Text Amendments
(No Update)
- A-2 Eugene UGB Map
(No Update)
- A-3 Metro Plan Designation Changes and Zone Changes Table
(No Update)
- A-4 Metro Plan Designation Change Maps
(No Update)
- B-1 Envision Eugene Comprehensive Plan
(Updated to remove or replace side margin comments)
- B-2 Eugene UGB Map (representation of digital file)
(No Update)
- B-3 Employment Land Supply Study

(Part I 2012 maps – Formatting adjustments made for clarity of the map legend including adding grey fill color into partially vacant lands symbol. Part VI 2012-2032 maps – same as above.)

- C-1 Public Facilities and Services Plan Text Amendments
(No Update)
- C-2 Public Facilities and Services Plan Map Amendments
(No Update)
- D. Transportation System Plan Amendments
(Removed intro text stating that the City is in the process of adopting a new local transportation system plan since the Eugene 2035 Transportation System Plan was recently adopted. Removed project to extend Theona Drive in response to public testimony.)
- E. Water Resources Conservation Plan Amendments
(No Update)
- F. Rural Comprehensive Plan Amendments
(No Update)
- G. Findings / Appendices
(No Update)
 - A. UGB Expansion Analysis for School Land
(No Update)
 - B. UGB Expansion Analysis for Employment Land
(No Update)
 - C. UGB Expansion Analysis for Park Land
(No Update)
 - D. Addendum to UGB Expansion Analysis for Employment Land
(No Update)
 - E. UGB Location Methodology
(Replaced note on maps regarding the maps being refined through the adoption process with a note to see Appendix A, Comprehensive Plan, for the official adopted UGB.)
 - F. Wetland and Riparian Area Study Documents
(No Update)

Lane County Ordinance (UTA Code)

(Ordinance 17-03 is updated to adopt the relevant Eugene Code (Chapter 9, 1971) for application in the UGB by reference rather than attaching a CD. Accordingly, former County Ordinance Exhibits A (the CD), B (2016 changes – City Ord. 20569) and C (current proposed changes) are replaced with only Exhibit A (current proposed changes). The affected portions of the Land Code (10.600-20 and -25) are also attached, but are not marked as exhibits per the county's typical practice.)

- A. ~~Eugene Code Chapter 9~~
(Removed; adopted by reference instead per above.)
- B. ~~Eugene Code Amendments (1)~~

