

NOTICE FOR THE EUGENE REGISTER-GUARD

On Monday, September 21, 2020, at 7:30 p.m., the Eugene City Council will conduct a public hearing on the following ordinances:

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

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM AND THE WILLAKENZIE PLAN DIAGRAM TO REDESIGNATE THE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-16-41, TAX LOTS 201, 300 AND 400 AND ASSESSOR'S MAP 17-09-16-44, TAX LOTS 400 AND 800 FROM CAMPUS INDUSTRIAL TO LIGHT MEDIUM INDUSTRIAL AND REZONE THE PROPERTY FROM E-1 CAMPUS EMPLOYMENT TO E-2 MIXED USE EMPLOYMENT.

AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 20170 GRANTING TO NORTHWEST NATURAL GAS COMPANY, A CORPORATION, A NON-EXCLUSIVE NATURAL GAS FRANCHISE, TO MAY 11, 2021.

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this public hearing will be held remotely using virtual meeting technology. Information about online or other options for participation will be available by 5 p.m. on September 21, 2020, at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>. Written testimony may be sent to mayorcouncilandcitymanager@eugene-or.gov or to 125 E. 8th Avenue, 2nd floor, Eugene, OR 97401. Written testimony must be received by Monday, September 21, 2020, at 5 p.m.

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

Notice posted on Thursday, September 3, 2020.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM AND THE WILLAKENZIE PLAN DIAGRAM TO REDESIGNATE THE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-16-41, TAX LOTS 201, 300 AND 400 AND ASSESSOR'S MAP 17-09-16-44, TAX LOTS 400 AND 800 FROM CAMPUS INDUSTRIAL TO LIGHT MEDIUM INDUSTRIAL AND REZONE THE PROPERTY FROM E-1 CAMPUS EMPLOYMENT TO E-2 MIXED USE EMPLOYMENT.

The City Council of the City of Eugene finds as follows

A. On January 17, 2020, Sheppard Motors, LLC submitted an application for a Type I amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) plan diagram, a refinement plan amendment to the Willakenzie Area Plan land use diagram and subarea diagram for consistency with the Metro Plan, and a concurrent zone change to redesignate and rezone the property identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-09-16-44, Tax Lots 400 and 800. The applicant requested a Metro Plan designation change from the Campus Industrial designation to a Light-Medium Industrial designation. Approval of the Metro Plan amendment results in the automatic concurrent amendment of the Willakenzie Area Plan land use diagram and Coburg-Crescent Subarea Diagram, giving the subject property a Light-Medium Industrial designation under the Willakenzie Area Plan. The zone change requested by the applicant would rezone the subject property from E-1 Campus Employment to E-2 Mixed Use Employment.

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

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Eugene-Springfield Metropolitan Area General Plan land use diagram is amended to redesignate the property identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-09-16-44, Tax Lots 400 and 800, from Campus Industrial to Light-Medium Industrial, as depicted on Exhibit A attached hereto and incorporated herein by reference.

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

- (a) The Willakenzie Land Use Diagram and Willakenzie Land Use Diagram (Northeast Portion) located between pages 19 and 20 of the Willakenzie Area Plan are amended to redesignate the property identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor's Map 17-09-16-44, Tax Lots 400 and 800, from Campus Industrial to Light-Medium Industrial, as depicted on Exhibits B and C attached hereto and incorporated herein by this reference.

- (b) The Coburg-Crescent Subarea Diagram located at page 62 of the Willakenzie Area Plan is amended to add “Light-Medium Industrial” to the legend for the diagram and to redesignate the property identified as Assessor’s Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor’s Map 17-09-16-44, Tax Lots 400 and 800, from Campus Industrial to Light-Medium Industrial, as depicted on Exhibit D attached hereto and incorporated herein by this reference.

Section 3. The property identified as Assessor’s Map 17-03-16-41, Tax Lots 201, 300 and 400 and Assessor’s Map 17-09-16-44, Tax Lots 400 and 800, is rezoned from E-1, Campus Employment to E-2 Mixed Use Employment, as depicted on Exhibit E attached hereto and incorporated herein by this reference.

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

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

Passed by the City Council this

_____ day of _____, 2020

City Recorder

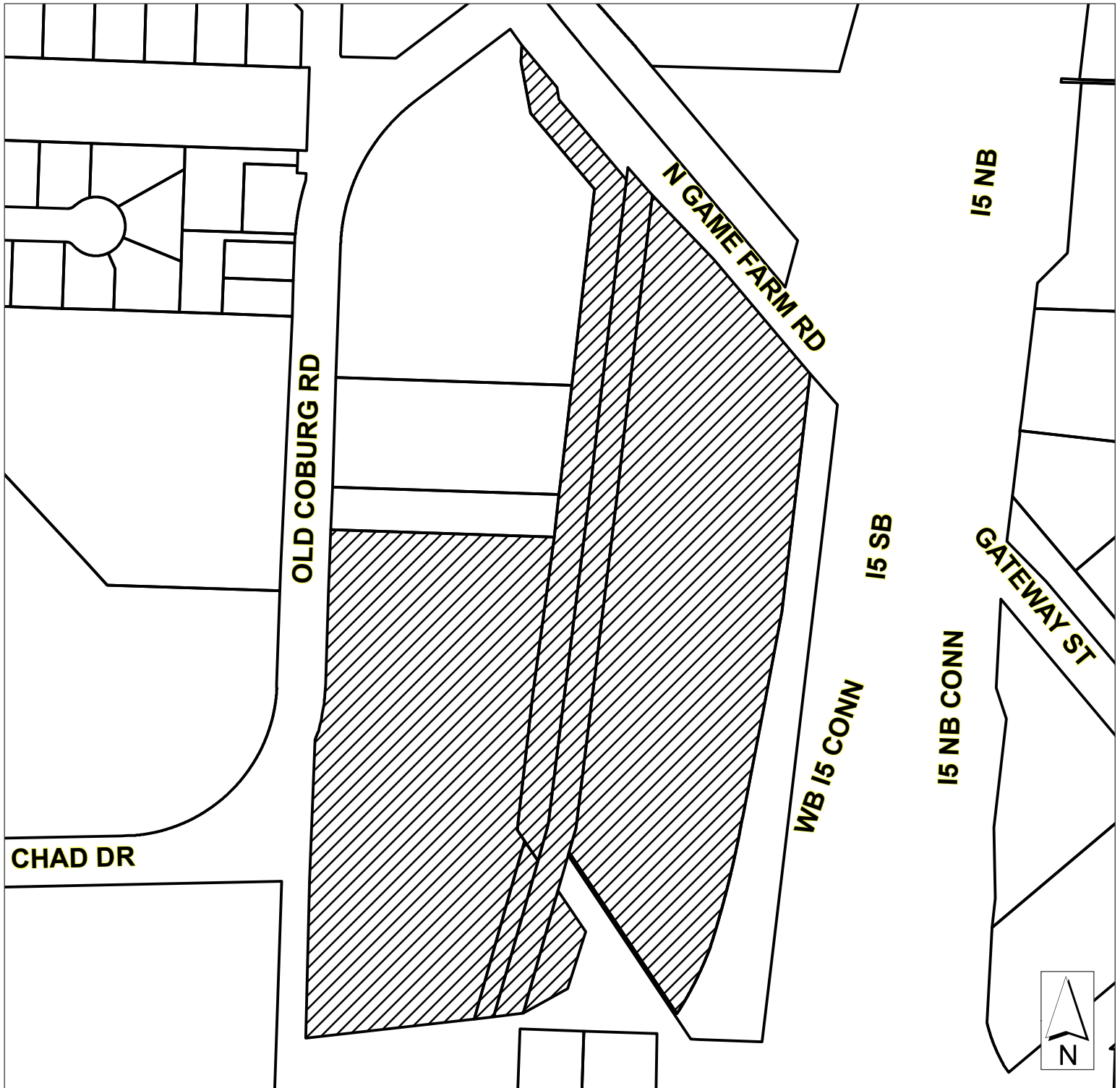
Approved by the Mayor this


_____ day of _____, 2020.

Mayor

Proposed Metro Plan Designation

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



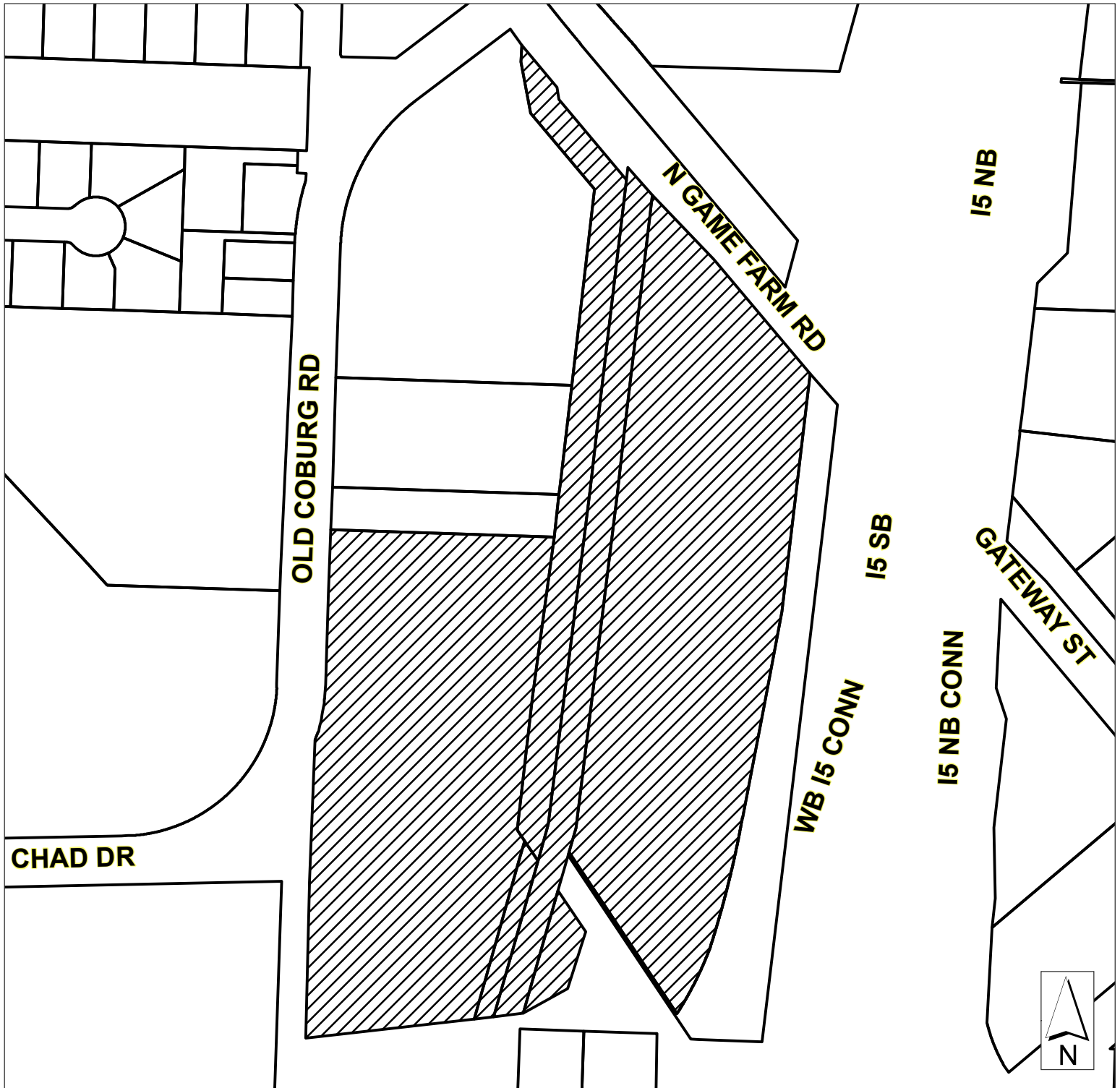
 Property to be redesignated from Campus Industrial to Light Medium Industrial on the Metro Plan's Plan Diagram

Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400; and
Assessor's Map 17-09-16-44, Tax Lots 400 and 800



Proposed Refinement Plan Designation

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



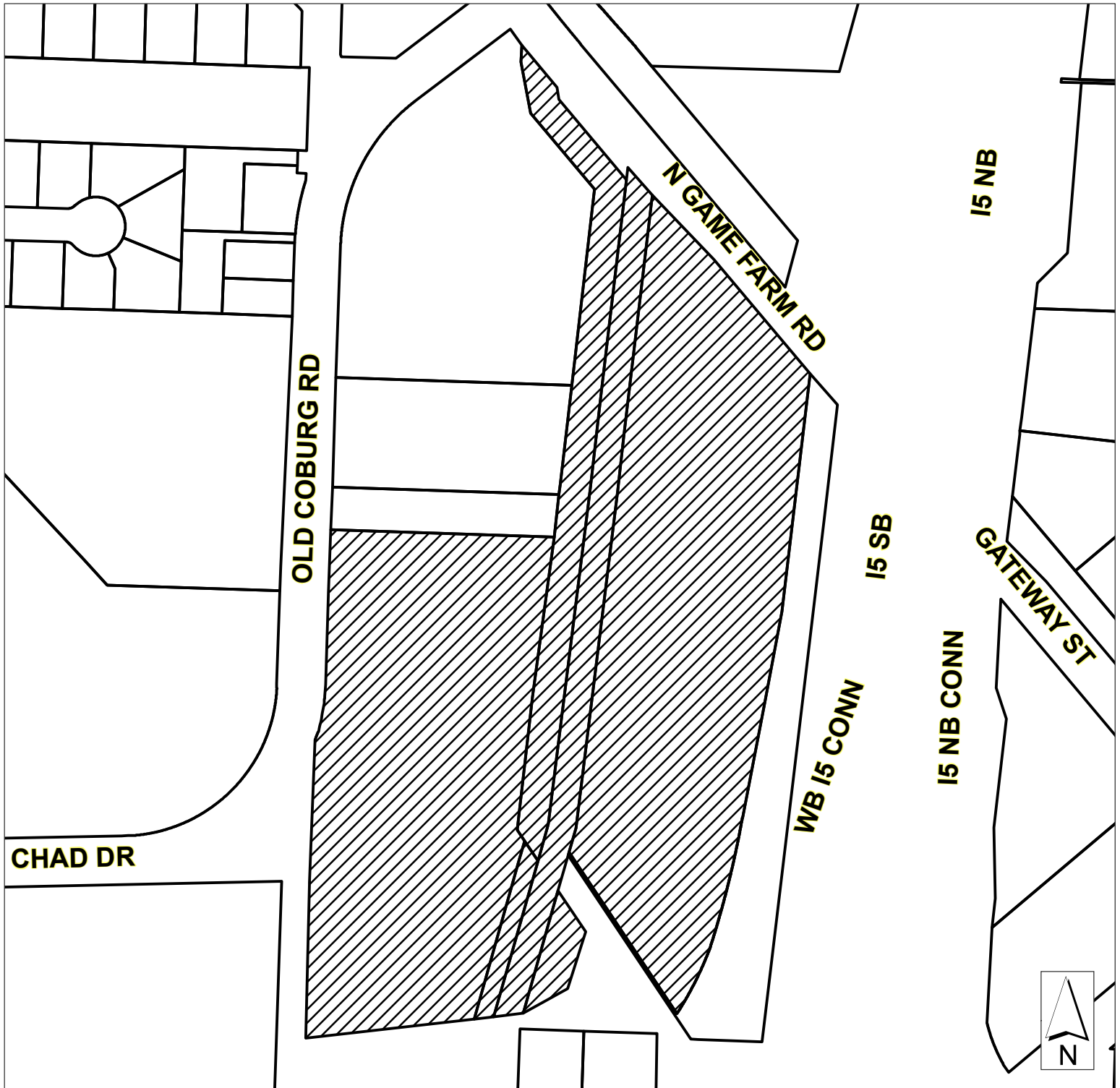
////// Property to be redesignated from Campus Industrial to Light-Medium Industrial on the Willakenzie Area Plan's Land Use Diagram

Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400; and
Assessor's Map 17-09-16-44, Tax Lots 400 and 800



Proposed Refinement Plan Designation

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



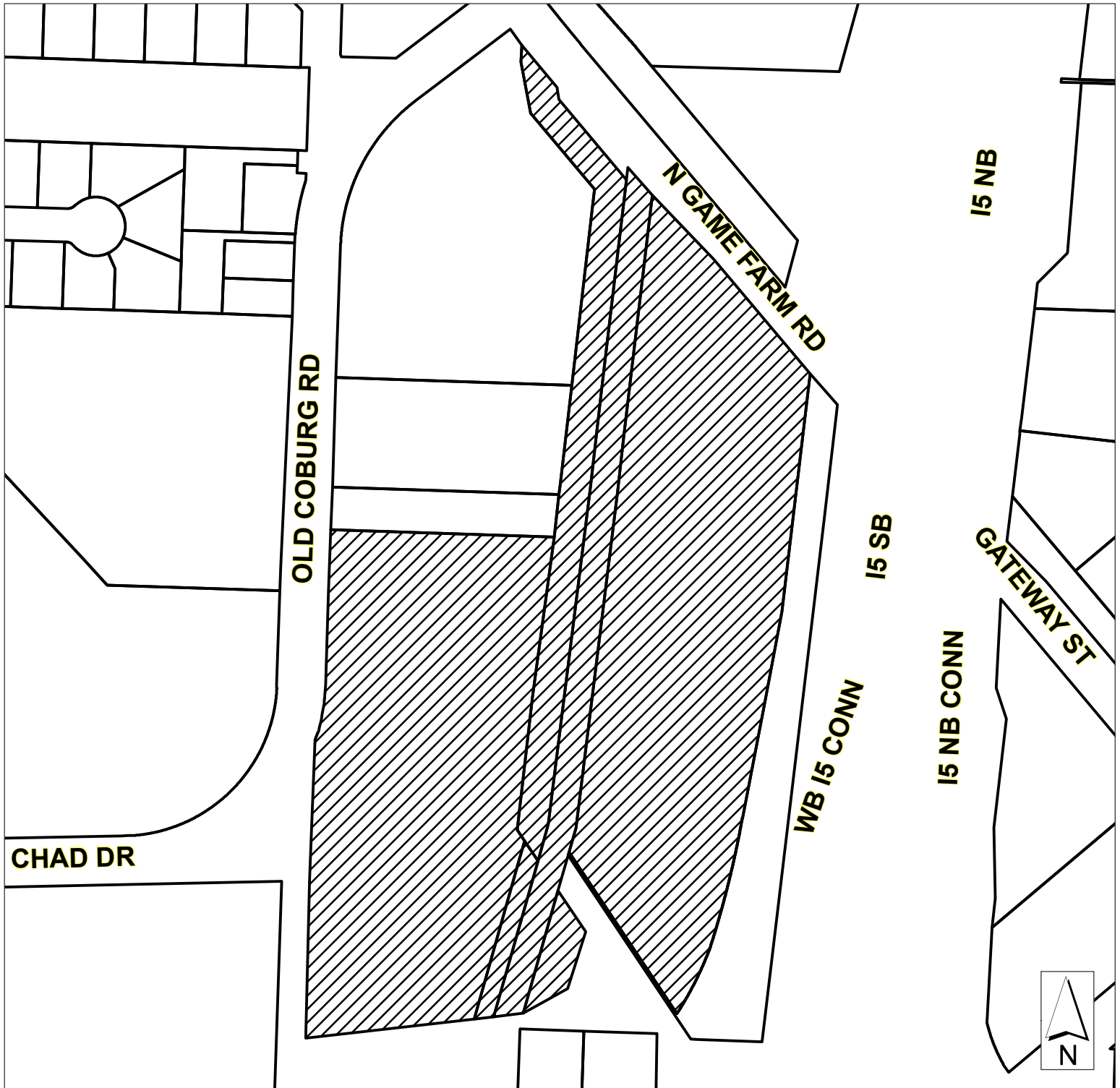
////// Property to be redesignated from Campus Industrial to Light-Medium Industrial on the Willakenzie Area Plan's Land Use Diagram (Northeast Portion)

Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400; and
Assessor's Map 17-09-16-44, Tax Lots 400 and 800



Proposed Refinement Plan Designation

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



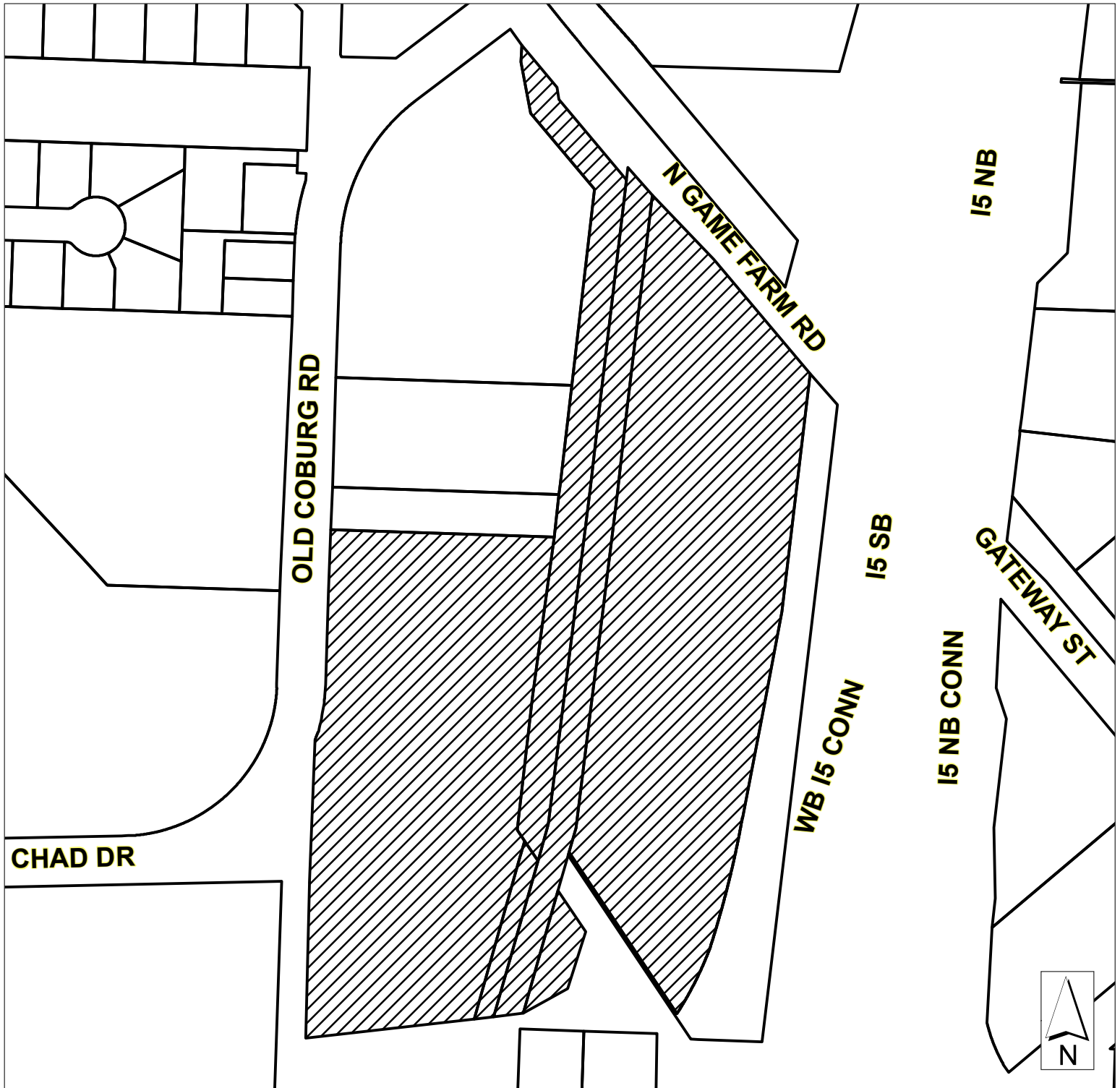
Property to be redesignated from Campus Industrial to Light-Medium Industrial on the Willakenzie Area Plan's Coburg-Crescent Subarea Diagram


Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400; and
Assessor's Map 17-09-16-44, Tax Lots 400 and 800



Proposed Zone Change

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



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

Assessor's Map 17-03-16-41, Tax Lots 201, 300 and 400; and
Assessor's Map 17-09-16-44, Tax Lots 400 and 800



FINDINGS IN SUPPORT OF ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM AND THE WILLAKENZIE PLAN DIAGRAM TO REDESIGNATE THE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-03-16-41, TAX LOTS 201, 300 AND 400 AND ASSESSOR'S MAP 17-09-16-44, TAX LOTS 400 AND 800 FROM CAMPUS INDUSTRIAL TO LIGHT MEDIUM INDUSTRIAL AND REZONE THE PROPERTY FROM E-1 CAMPUS EMPLOYMENT TO E-2 MIXED USE EMPLOYMENT

Name (File Numbers):	Sheppard Motors - Eugene Audi (MA 20-1 / RA 20-1 / Z 20-1)
Applicant:	Phil Speers, Sheppard Motors LLC
Applicant's Representative:	Tim Brunner, Axis Design Group
Lead City Staff:	Jeff Gepper, Senior Planner
Map No. / Tax Lots:	17-03-16-41/201,300,400 17-09-16-44/400,800
Metro Plan Diagram & Refinement Plan Diagram	
Existing:	Campus Industrial
Proposed:	Light Medium Industrial
Zoning	
Existing:	E-1 Campus Employment
Proposed:	E-2 Mixed Use Employment
Size:	Approximately 16.72 Acres
Location:	South of Game Farm Road, between I-5 and Old Coburg Road

APPLICATION OVERVIEW

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

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

Table 1: Current/Proposed Plan Designations and Zoning

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

As described in the applicant’s narrative, Sheppard Motors LLC was chosen by Audi USA to be the dealer for the Eugene market. Therefore, they have been seeking a location to site their business. As part of this proposal, the applicant would like to add an EV charging station facility near the new Audi location as Audi has a commitment to electric vehicles (EVs). The proposed location presents an opportunity to be an accessible location for EV owners to charge their electric vehicles. The requested changes would allow for this applicant’s intended use.

The subject property is located between I-5 and Old Coburg Road, on the south side of North Game Farm Road. It consists of five separate, undeveloped tax lots with 5 different owners, all of whom have submitted their permission to proceed with this application. The total area of the subject property is approximately 16.72 acres. A summary of property ownership can be seen in Table 2.

Sheppard Motors [Eugene Audi] – Property Ownership		
Assessor’s Map / Tax Lot	Owner(s)	Size (Acres)
17-03-16-41 / 00201	MML Properties & Oregon Department of Transportation	7.1
17-03-16-44 / 00800	Eugene Water and Electric Board (EWEB)	1.44
17-03-16-41 / 00300 17-03-16-44 / 00400	NW Pipeline LLC	1.73
17-03-16-41 / 00400	Guard Publishing	6.45

FINDINGS

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

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

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

METRO PLAN AMENDMENT

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

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

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

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

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

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

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

Based on these findings, the proposed Metro Plan Amendment is consistent with Statewide Planning Goal 1.

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

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

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

The Statewide Planning Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of its citizens. To comply with the Goal 2 coordination requirement, the City provided notice of the proposal and opportunity to comment to Lane County, Lane Council of Governments, City of Springfield, the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development.

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

Goal 3: Agricultural Lands - To preserve agricultural lands.

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

Goal 4: Forest Lands - To preserve forest lands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected*

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

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

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

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

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

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

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

Trip Cap Condition of Approval

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

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

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

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

Goal 13: Energy Conservation - To conserve energy.

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

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

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

The Metro Plan diagram amendment does not affect the City's provisions regarding the transition of land from rural to urban uses. Based on this finding, Statewide Planning Goal 14 does not apply.

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

The Metro Plan Diagram Amendment does not contain any changes that affect the Willamette River Greenway regulations, nor is the subject property located within the adopted Willamette Greenway boundary. Based on this finding, Statewide Planning Goal 15 does not apply.

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

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

Conclusion

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

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

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

EC 9.7735(3): When the city-specific local comprehensive plan also applies, the proposed amendment is consistent with the city-specific local comprehensive plan.

The city-specific local comprehensive plan for the City of Eugene is the Envision Eugene Comprehensive Plan. The following policy from the Envision Eugene (EE) Comprehensive Plan provides relevant support for the amendment to the Metro Plan Diagram:

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

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

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

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

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

REFINEMENT PLAN AMENDMENT

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

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

(a) Statewide planning goals.

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

(b) Applicable provisions of the comprehensive plan.

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

(c) Remaining portions of the refinement plan.

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

EC 9.8424(2): The refinement plan amendment addresses one or more of the following:

(a) An error in the publication of the refinement plan.

(b) New inventory material which relates to a statewide planning goal.

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

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

ZONE CHANGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Based on these findings, this criterion is satisfied.

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

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

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

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

- (a) Property has frontage on an arterial street.**
- (b) Contiguous to parcels currently zoned E-2 or C-2 Community Commercial.**

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

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

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

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

OAR 660-012-0060 - Transportation Planning Rule

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

CONCLUSION

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

Trip Cap Condition of Approval

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