

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

**ORDINANCE NO. PA 1181 (IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD
(METROPOLITAN AREA GENERAL PLAN DIAGRAM FOR
(PROPERTY WITHIN THE ROYAL AVENUE NODAL
(DEVELOPMENT AREA; AND ADOPTING A SEVERABILITY
(CLAUSE.**

WHEREAS, on October 31, 2001, the Board of County Commissioners of Lane County enacted Ordinance No. PA 1132 which adopted amendments to the transportation element of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and related changes to the Plan text, and adopted revisions to TransPlan, a refinement plan to the Metro Plan; and

WHEREAS, included in the Metro Plan text amendments was the addition of a new section entitled "Nodal Development Area (Node)," and inclusion of "ND – Nodal Development" to the text for the Legend Block on the Metro Plan Diagram; and

WHEREAS, The Metro Plan, in describing the Nodal Development Area Designation states that "[a]reas identified as nodal development areas in TransPlan are considered to have potential for this type of land use pattern" and TransPlan Map A1 identifies Royal as area 4F for nodal development; and

WHEREAS, Chapter IV of the Metro Plan sets forth procedures for amendment of the Metro Plan, which for Lane County are implemented by the provisions of Lane Code 12.200; and

WHEREAS, these proceedings have been initiated by the City of Eugene pursuant to procedures for amendment and refinement of the Metro Plan, which requires approval of the Eugene City Council and Lane County Board of Commissioners for Type II Metro Plan diagram amendments located between the incorporated city limits of Eugene and the Plan boundary; and

WHEREAS, on June 2, 2000, the 1999 Draft Royal Avenue Nodal Development Plan and notice of a joint public hearing to be held by the Eugene and Lane County Planning Commissions was mailed to the Oregon Department of Land Conservation and Development as required by ORS 197.610. No comment was received in response to the notice. Notice of the public hearing was also mailed June 9, 2000 to property owners and interested parties and published in the Register-Guard on June 21, 2000; and

WHEREAS, the joint Eugene/Lane County planning commissions public hearing on the Plan was held on July 11, 2000 and the planning commissions held individual work sessions on July 26, September 18, September 25, October 2 and October 23, 2000 (Eugene) and on November 14, 2000 (Lane County). Both planning commissions approved revisions to the draft Plan and recommended that adoption of the Plan implementation measures be delayed pending completion of additional wetlands work. That work was completed in 2001; and

WHEREAS, on January 15, 2002, the proposed amendments and notice of the public hearing on the amendments was mailed to the Oregon Department of Land Conservation and Development as required by ORS 196.610. No comment was received in response to the notice; and

WHEREAS, on March 5, 2002, the Eugene and Lane County Planning Commissions held a joint public hearing on the measures to establish the Royal nodal development area; and

WHEREAS, the planning commissions met in individual work sessions on April 16, 2002 (Eugene) and June 4, 2002 (Lane County) to review the testimony and forward recommendations to their respective elected officials and on June 4, 2002, the Lane County Planning Commission voted unanimously to recommend adoption of the measures with the revisions identified in the Eugene Planning Commission recommendation; and

WHEREAS, on August 28, 2002, notice of the joint Eugene City Council/Lane County Board of Commissioners hearing was mailed to owners of property subject to the amendments, the neighborhood association, and those who had requested to be placed on the interested parties list for the amendments and notice of the hearing was also published in the Register-Guard on August 28, 2002; and

WHEREAS, on September 18, 2002, the Board of County Commissioners conducted a joint public hearing with the Eugene City Council on these amendments and is now ready to take action; and


WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 12 and the requirements of applicable state and local law; and

NOW, THEREFORE, the Board of County Commissioners of Lane County ordains as follows:

Section 1. The Metro Plan diagram is amended to add the ND-Nodal Development designation to 26 properties identified and described on Exhibit "A" attached hereto. The underlying designations for these 26 properties shall remain unchanged.

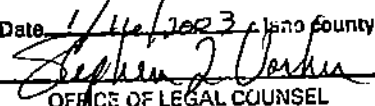
FURTHER, although not part of this Ordinance, the Board of County Commissioners adopts findings as set forth in Exhibit "B" attached, in support of this action.

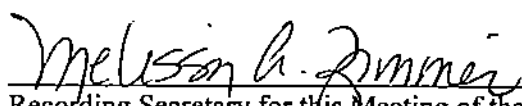
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity to the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

ENACTED this 15th day of January, ~~2002~~ ²⁰⁰³


Chair, Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 1/16/2003 Lane County

OFFICE OF LEGAL COUNSEL



Recording Secretary for this Meeting of the Board

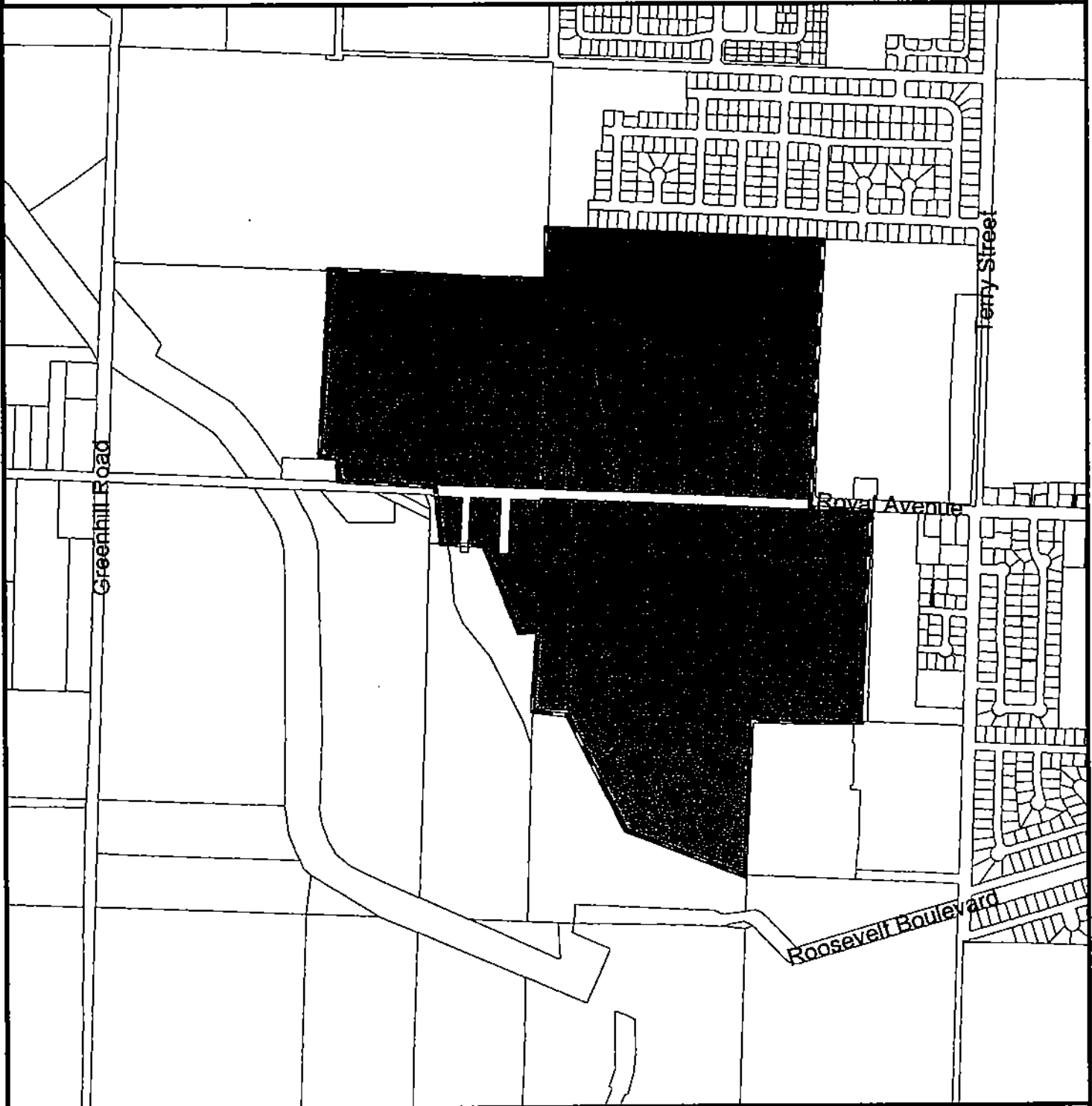
Exhibit "A"

**Royal Node Metro Plan Diagram Amendments
Properties Subject to Addition of ND-Nodal Development Designation**

Tax Lot	Owner
17-04-20-00-02000	Stingray Development
17-04-20-00-02400	Robert McCulloch
17-04-20-00-02500	Robert Bounds, et. al.
17-04-20-00-02600	Mark O'Brien
17-04-20-00-02700	Robert Bounds, et. al.
17-04-20-00-02800	Charles and Dorothy Doane
17-04-20-00-02900	Charles and Dorothy Doane
17-04-20-00-03000	Aikon, LLC
17-04-20-00-03100	Aikon LLC
17-04-20-00-03200	Aikon LLC
17-04-29-00-01200	Aikon LLC
17-04-20-00-03300	Doris and Allen Haynes
17-04-20-00-03400	David Ott
17-04-20-00-03500	Robert and Harriet Kinser
17-04-29-00-01502	Teresita Barger
17-04-29-00-01505	Conrad and Elaine Snow
17-04-29-00-01501	Leslie Drew-Schneider
17-04-29-00-01301	Larry and Shirley Ann Amos
17-04-29-00-01400	Larry and Shirley Ann Amos
17-04-29-00-01300	Ronald Bounds
17-04-29-00-01201	Howard and Evelyn Nelson
17-04-29-13-00100	Opel Slagle Trust
17-04-29-11-01000	James and Peggy Wallace

Tax Lot	Owner
17-04-29-11-01100	James and Peggy Wallace
17-04-29-11-00900	Robert and Mary Larsen
17-04-29-11-00800	Gale and Cindy Morgan

Royal Node Metro Plan Diagram Amendments



ND Nodal Development Designation



Exhibit "B"
to
Ordinance No. PA 1181

**Findings of Consistency of Royal Nodal Development Amendments
with Metro Plan Amendment Criteria**

Applicable Criteria for Approval of a Proposed Amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Diagram

The Eugene City Council and Lane County Board of Commissioners will apply the following criteria from Eugene Code Section 9.7730(3) and Lane Code Section 12.225(2) to the proposed Metro Plan amendments:

- (a) The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and
- (b) Adoption of the amendment must not make the Metro Plan internally inconsistent. (Eugene Land Use Code Section 9.7730(3) and Lane Code Section 12.225(2))

Goal 1 - Citizen Involvement

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

The Eugene Citizen Involvement Committee reviewed and approved a citizen involvement program and interested parties list for the project. The citizen involvement program proposed for the project was fully executed. Consideration of the Royal Node provisions began with a joint public hearing on July 11, 2000. Department of Land Conservation and Development notice, notice to property owners and interested parties and newspaper publication was provided for that hearing. Between June and November 2000, the Eugene Planning Commission held four work sessions and the Lane County Planning Commission held one work session. With a revised proposal for the node, notification of a joint Planning Commission work session and hearing on the project was mailed to the interested parties list on February 1, 2002; that mailing list contained more than 250 names. Notification of the joint City Council / Board of County Commissioners hearing on the project was mailed to the interested parties list and published in the Register-Guard on August 28, 2002. Staff presented information on the project to numerous neighborhood and special interest groups throughout the course of this project. Therefore, the amendments are consistent with Goal 1.

Goal 2 - Land Use Planning.

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides

a basis for decision-making in this area. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. These findings and record show that there is an adequate factual base for the measures to establish the Royal Avenue Node. To comply with the Goal 2 coordination requirement, the City coordinated the adoption of the ordinances with Lane County, the Oregon Department of Land Conservation and Development, the Oregon Department of Transportation, the Oregon Division of State Lands, the US Army Corps of Engineers, Bethel School District 52, the US Department of the Interior - Bureau of Land Management, the US Department of Commerce - National Marine Fisheries Service, the Oregon Department of Environmental Quality, the US Environmental Protection Agency, the US Fish and Wildlife Service, and the Oregon Department of Fish and Wildlife. Specifically, the City provided copies of the plan and implementing measures to these agencies as well as notice of public hearings on the project. There are no Goal 2 Exceptions required for the adoption. Therefore, the amendments are consistent with Goal 2.

Goal 3 - Agricultural Lands.

To preserve and maintain agricultural land.

The change in Metro Plan designation is for property located within the urban growth boundary and does not affect any land designated for agricultural use. Therefore, Goal 3 is not applicable or relevant to the amendments.

Goal 4 - Forest Lands.

To conserve forest lands...

The change in Metro Plan designation is for property located within the urban growth boundary and does not affect any land designated for forest use. Therefore, Goal 4 is not applicable or relevant to the amendments.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources.

To conserve open space and protect natural and scenic resources.

To the extent that there are any resource sites from the City's acknowledged Goal 5 inventory in the Royal Node area, the change in Metro Plan designation has no effect on the level of protection provided for those resource sites. The uses allowed on the properties will not change as a result of the actions, as the properties are not being rezoned as a part of these actions and no new regulations are being applied to the properties as a result of these actions. Therefore, the amendments are consistent with Goal 5.

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 addition of the ND Nodal Development Metro Plan designation to property within the area furthers implementation of the nodal development, an approach to integration of land use and transportation planning that seeks to increase the use of alternative modes of transportation, reduce

per-person vehicle miles of travel, and reduce demand for automobile-related transportation facilities. Increasing the use of alternative modes of transportation will help to improve regional and local air quality. Therefore, the amendments are consistent with Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards.

To protect life and property from natural disasters and hazards.

The areas affected by these ordinances do not include any known areas of natural disasters or hazards. Therefore, the amendments are consistent with 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.

The actions do not affect any inventoried/designated recreation areas, facilities or recreational opportunities since the uses allowed on the redesignated properties will not change as a result of the actions. Therefore, the amendments are consistent with Goal 8.

Goal 9 - Economic Development.

To satisfy adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The addition of the ND Nodal Development Metro Plan designation does not change the underlying Metro Plan designation and land currently designated for commercial use will continue to be designated for commercial use. There is no land designated for industrial use within the area. Therefore, the amendments are consistent with Goal 9.

Goal 10 - Housing.

To provide for the housing needs of citizens of the state.

The addition of the ND Nodal Development Metro Plan designation does not change the underlying Metro Plan designation and land currently designated for housing will continue to be designated for housing. Therefore, the amendments are consistent with Goal 10.

Goal 11- Public Facilities and Services.

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The properties affected by addition of the ND Nodal Development Metro Plan designation are outside the City limits and within the urban growth boundary of the City of Eugene. The properties are currently provided with adequate public facilities and the actions taken by these amendments do not affect the jurisdictions' ability to provide those facilities. Should the properties be annexed in the future and be rezoned, provision of public facilities will be considered at that time. For planning purposes, as demonstrated in the Royal Area Specific Plan, the City has considered and confirmed

that it will be able to provide the necessary public facilities if the area were to be rezoned to the City's Royal Node Special Area Zone. Therefore, the amendments are consistent with Goal 11.

Goal 12- Transportation.

To provide and encourage a safe, convenient and economic transportation system.

The addition of the "ND--Nodal Development" Metro Plan designation implements policy direction in the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan), acknowledged for compliance with Goal 12 in 2001.

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

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. . . .*
- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
 - (a) *Changes the functional classification of an existing or planned transportation facility;*

The functional classifications of major streets in the planning area were not changed from the designations shown on the adopted Street Classification Map

- (b) *Changes standards implementing a functional classification system:*

The standards implementing the street functional classification system would not be changed by any of the proposed actions to implement the draft Royal Avenue Specific Plan.

- (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classifications of a transportation facility;*
or

The planned uses and levels of service for all streets within the planning area are consistent with classifications of transportation facilities in the area.

- (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

TransPlan sets a Level of Service "D" as the acceptable threshold in Eugene, outside of the Central Area Transportation Study area. The proposed actions would not result in reduction of performance standards below minimum acceptable levels.

The proposed amendments implement TransPlan and do not significantly affect a transportation facility. Therefore, the amendments are consistent with Goal 12 and the Transportation Planning Rule (OAR 660-012-0600).

Goal 13 - Energy Conservation.

Goal 13 does not apply to the actions taken.

Goal 14 - Urbanization.

To provide for the orderly and efficient transition from rural to urban land use.

The area subject to the addition of the "ND--Nodal Development" Metro Plan designation is in the urbanizable area -- outside the City's limits, but within the urban growth boundary. The actions taken do not affect the status of the area. The actions do not include any timeline for the conversion of the area to urban uses. Therefore, the amendments are consistent with Goal 14.

Goals 15 - 19.

These Statewide Planning Goals do not apply to the actions taken.

Metro Plan Policies: Metro Plan policies relevant to this proposal include the following:

1. Policy 8 (*Growth Management and the Urban Service Area Element Page II-B-4*) "Land within the urban growth boundary may be converted from urbanizable to urban only through annexation to a city when it is found that:
 - a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.
 - b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metropolitan Plan.

Development of the draft plan included an investigation into the availability of key urban services to the site. A full complement of urban services can be provided upon annexation of the site to the City of Eugene. Voters in Bethel School District 52 have recently passed a bond measure which allows the district to proceed with planning new school facilities to serve the area. Two new schools are under construction on property abutting the node to the east. The Bethel-Danebo Plan requires that the Royal Avenue Specific Plan serve as the basis for development regulations and infrastructure improvements within the Royal Avenue Specific Plan area. The Royal Avenue Specific Plan provides for paved streets that drain stormwater runoff and accommodate relatively high levels of pedestrian travel along the streets.

2. Policy 17 (*Growth Management and the Urban Services Area Element Page II-B-6*) "Eugene and Springfield and their respective utility branches, Eugene Water and Electric

Board and Springfield Utility Board, shall be the water and electrical service providers within the urban growth boundary."

Water and electric service within the plan area will be provided by the Eugene Water and Electric Board.

3. Policy A.2 (*Residential Land Use and Housing Element Page III-A-6*) "Residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies, however, existing agricultural zoning may be continued within the area between the city limits and the UGB until rezoned for urban uses."

This action does not apply the proposed zoning designations to the plan area. Rezoning will occur following annexation of the area to the City of Eugene. Until annexation and rezoning occur, the land will retain its existing zoning. Most of the land in the planning area is currently zoned AG/UL Agricultural/Urbanizable Land.

6. Policy A.8 (*Residential Land Use and Housing Element Page III-A-6*) "Require developers to pay the cost, as determined by the local jurisdiction, of extending public services and infrastructure. The cities shall examine ways to provide subsidies or incentives for providing infrastructure that support affordable housing and/or higher density housing."

New development in the area will be required to pay the cost of extending public services and infrastructure to the site. The city has provided an incentive through the preparation of the specific area plan that identifies necessary infrastructure to serve the plan area.

7. Policy F-1 (*Transportation Element*) "Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient pattern."

TransPlan Map A1 identifies Royal as area 4F for nodal development. Areas shown on TransPlan Map A1 are considered to have potential for this type of land use pattern.

8. Policy F-2 (*Transportation Element*) "Support the application of the nodal development strategy in designated areas through information, technical assistance, or incentives."

The planning process for the Royal node has generated a significant amount of information about the node and about the nodal development concept. Plan preparation was assisted by staff and consultants who produced a wide array of technical information on transportation, street design, park design, housing design, economics, stormwater design, wetlands preservation and mitigation, and other plan elements. The City has assumed considerable cost in preparing wetland plans and information that would otherwise have been borne by individual property owners. The City has also assumed the cost of preparing the Royal Avenue Specific Plan, a general incentive for appropriate development in the area.

9. Policy F-5 (*Transportation Element*) "Within three years of TransPlan adoption, apply the ND, Nodal Development, designation to areas selected by each jurisdiction, adopt and apply measures to protect designated nodes from incompatible development and adopt a schedule for completion of nodal plans and implementing ordinances"

Adoption of the Royal nodal development implementation measures is one of the actions required to comply with this policy.

10. Policy F-18 (*Transportation Element*) "Improve transit service and facilities to increase the system's accessibility, attractiveness, and convenience for all users, including the transportation disadvantaged population."

Transit service will be extended into the nodal development area as property development occurs.

11. Policy F-22 (*Transportation Element*) "Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion."
12. Policy F-23 (*Transportation Element*) "Require bikeways along new and reconstructed arterial and major collector streets."

Striped bicycle lanes will be included in the design for the reconstruction of Royal Avenue (Minor Arterial) and the construction of Roosevelt Boulevard (Major Collector). All other streets will be designed to accommodate bicycle traffic.

13. Policy F-24 (*Transportation Element*) "Require bikeways to connect new development with nearby neighborhood activity centers and major destinations."

On-street and off-street bikeways will provide direct connections from residential areas to the commercial core. The bikeway system will link to the existing regional bikeway system on Royal Avenue, and on Roosevelt Boulevard, and with a connection to the Amazon corridor bike path. The Amazon path is planned to ultimately extend west to connect the city to Fern Ridge Reservoir. Specific accommodations have also been made to provide bicycle connections to existing and future school sites within the Bethel School District.

14. Policy G-1 (*Public Facilities and Services Element*) "Extend the minimum level and range of key urban facilities and services in an orderly and efficient manner consistent with the growth management policies in Chapter II-B, relevant policies in this chapter, and other Metro Plan policies."

Key urban services, including sanitary sewers, solid waste management, water service, fire and emergency medical services, police protection, parks and recreation programs, electric service, land use controls, communication facilities, and public schools, will be provided to this area. The Infrastructure Element of the plan, and Appendix D (Infrastructure Implementation) provide information on sequencing and timing of infrastructure provision to insure that services are provided

in an orderly and efficient manner.

15. Policy G-2 (*Public Facilities and Services Element*) "Use the Planned Facilities Maps of the *Public Facilities and Services Plan* to guide the general location of water, wastewater, stormwater, and electrical projects in the metropolitan area. Use local facility master plans, refinement plans, and ordinances as the guide for detailed planning and project implementation."

Key facilities are consistent with those identified in the Public Facilities and Services Plan.

16. Policy G-7 (*Public Facilities and Services Element*) "Service providers shall coordinate the provision of facilities and services to areas targeted by the cities for higher densities, infill, mixed uses, and nodal development."

Primary service providers were included in development of the plan.

Based on findings 1 through 16 above, we find that the adoption of the amendments are consistent with the Metro Plan and does not make the Metro Plan internally inconsistent.